

EXHIBIT 5

September 15, 2020

1

1 - RAMI KRANZ -

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----X

5 RAFAEL FOX, ET AL.,

6 Plaintiffs,

7 v.

CIVIL CASE NO.

8 1:19-CV-04650-AJN-SN

9
10 STARBUCKS CORPORATION,

11 Defendant.

12 -----X

13 DATE: September 15, 2020

14 TIME: 10:00 A.M.

15
16 VIDEOCONFERENCE DEPOSITION OF RAMI

17 KRANZ, pursuant to Notice, before Hope Menaker, a

18 Shorthand Reporter and Notary Public of the State

19 of New York.

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2 Q. What year did you complete that
3 course?

4 A. I completed that in the year 2019.
5 I've done it twice, actually. It was 2019 and
6 2004 is the first time -- not '4, sorry. 2014.

7 Q. Does the HACCP certificate also
8 include education on pesticides and their use with
9 food?

10 A. Only for the source of contamination.

11 Q. If you describe -- you touched on it,
12 but could you describe generally what your current
13 duties are in your position as regional quality
14 assurance?

15 A. So my duties and my role and
16 responsibility is really to ensure that our stores
17 maintain the Starbucks policies, the Starbucks
18 standards to liaise with the food for the health
19 inspectors at the Department of Health, to liaise
20 with the Department of Agriculture and any other
21 department I think that will, you know, evolve
22 around food safety.

23 I'm also considered more of a
24 consultant for the operations team on food safety
25 matters, cleanliness, and anything to do with the

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2 newly transferred to it so I was not talking
3 about -- when I mean opportunities, I mean with
4 the Starbucks language that's just deficiencies
5 that we see, deficiencies in standards that
6 they're not upholding. So we were more talking
7 about and coaching Rafael on how to get the store
8 back into standard, seeing that he was just newly
9 transferred into it.

10 Q. Did you have any discussion about
11 pesticides or pest control?

12 A. We had discussion about fruit flies
13 because they were still having some fruit fly
14 issues then, but nothing about pesticides.

15 Q. Did you ever have any communication,
16 as best you can remember, with Mr. Fox concerning
17 Hot Shots or DDVP?

18 A. So one-on-one conversation with him,
19 I don't recall. I don't remember any e-mails, you
20 know, phone calls with him. If he was in one of
21 the shift supervisor workshops, then possibly, but
22 I don't remember if he attended any; and I don't
23 believe I attended the huddles with him either.

24 Q. Does Starbucks have a policy that
25 bears on permissibility of Hot Shots in its

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2 stores?

3 A. Absolutely. So in the food safety
4 manual, it states clearly that the store
5 manager or our partners are prohibited to use any
6 pesticides and that only the pest vendors can use
7 them.

8 Q. Are there any exceptions to that
9 policy?

10 A. I don't believe so, no.

11 Q. Is the food safety manual something
12 that's made available to all store employees?

13 A. Yes, it is.

14 Q. As to the best of your memory as you
15 sit here today have any pesticides, to your
16 knowledge, been applied in Starbucks stores by
17 Starbucks personnel apart from the one Hot Shot
18 incident that you referred to?

19 MR. MOY: Objection.

20 A. So through my duties and my days with
21 the district managers we had seen from time to
22 time different types of products, yes.

23 Q. What types of products, if you could
24 just name as many as you're aware of, that you are
25 aware have been used by employees in stores?

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2 A. Apple Cider Vinegar is one product,
3 you know, that I've seen used. You know, I have
4 seen, you know, some -- I don't remember. No,
5 Apple Cider Vinegar has mainly been the one
6 outside of what you've asked for.

7 Q. What about CB-80, is that a chemical
8 that you're familiar with?

9 A. I'm very familiar with CB-80.

10 Q. What is it?

11 A. CB-80 is a pesticide localized spray.

12 Q. Is that something, to your knowledge,
13 that has been used by employees in Starbucks
14 stores?

15 MR. MOY: Objection.

16 A. I believe it could be, yes.

17 Q. Did any Starbucks employee ever
18 communicate to you that they were using CB-80 in
19 Starbucks stores?

20 A. To the best of my knowledge, I don't
21 recall. It something I'll have go through and
22 check.

23 Q. Would it be permissible for employees
24 of Starbucks to use the CB-80 in Starbucks stores?

25 A. No, it would not.

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2 Q. If an employee, say a store manager,
3 were to inform you that they intend to use CB-80
4 in a store, is there anything in your role as
5 quality assurance manager that you would typically
6 say to guide such an employee in their practices?

7 MR. MOY: Objection.

8 A. Yes, there would.

9 Q. What would that be?

10 A. I would remind them of the food
11 safety manual and the Starbucks protocol.

12 Q. Did you ever encourage any Starbucks
13 employees to use any pesticide in an unapproved
14 manner in Starbucks stores?

15 A. What do you mean by "an unapproved
16 manner"?

17 Q. I understood that employees are not
18 to use pesticides in Starbucks stores; is that
19 correct?

20 A. That's correct.

21 Q. Is there any manner in which it is
22 permissible for employees to use pesticides in
23 Starbucks stores?

24 A. No, there isn't.

25 Q. Did you ever direct any Starbucks

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2 employees to use pesticides in Starbucks stores?

3 A. I have once, yes.

4 Q. When was that?

5 A. Possibly 2013/2014. Possibly around
6 there. I don't recall the exact date or year.

7 Q. Could you describe that circumstance
8 or context you're referring to?

9 A. So there was house flies in the
10 store which is not a cleanliness issue and there
11 was -- and that was my solution at the time, but I
12 was wrong and I admitted it.

13 Q. Who did you direct to do what in
14 connection with house flies on that occasion?

15 A. I spoke with the regional director
16 and discussed it with them, but then afterwards we
17 discussed it again and again and I would reiterate
18 that I was wrong, right, and that I didn't follow
19 the Starbucks policy at that time and that's when
20 we stopped it, too.

21 Q. What was the particular chemical at
22 issue then?

23 A. CB-80.

24 Q. Did you know at the time that you
25 encouraged the use of CB-80 that it was not

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2 consistent with Starbucks policy?

3 MR. MOY: Objection.

4 A. Was I fully aware? I was aware,
5 which is why I said I was wrong.

6 Q. Well, why did you choose to direct
7 employees to use CB-80?

8 A. Because I was trying to solve the
9 problem, but I did it in the wrong manner and I
10 learned my lesson from it.

11 Q. Subsequent to that event, did you
12 ever have any communications with any Starbucks
13 employees about the use of CB-80 in Starbucks
14 stores?

15 A. I have had communication with
16 Starbucks employees about the use of it and that
17 they shouldn't be using it.

18 Q. What is the danger -- withdrawn.
19 To your understanding, what is the
20 reason why CB-80 is not allowed in Starbucks
21 stores?

22 MR. MOY: Objection.

23 A. Because Starbucks employees are not
24 allowed to use any pesticides according to the
25 food safety manual.

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2 Q. Going back to this instance with the
3 CB-80 and you recognized that you were wrong, was
4 there a person who brought it to your attention
5 that the use of CB-80 was not consistent with
6 Starbucks policy?

7 A. No, it was just my attention
8 that it was a possibility that if I didn't, more
9 employees would then go against the Starbucks
10 policies which was not for me to be encouraging.
11 I was meant to uphold the policies and that was
12 the mistake and the lesson that I learned.

13 Q. In what form did you the encourage
14 employees to use CB-80; that is, was it spoken
15 words, was it an e-mail, something else?

16 A. I believe it was spoken words.

17 Q. How long after you spoke those words
18 did you finish the thought process and realize
19 that this may be a problem and correct your
20 guidance to those employees?

21 A. It wasn't that long after.

22 Q. Was it the same day?

23 A. No, it was not the same day; but I
24 couldn't tell you exactly how many days or weeks
25 or months; but it certainly wasn't a long time.

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2 Q. What was the location specifically?

3 A. I couldn't tell you without looking
4 back in my records.

5 Q. Do you remember who any of the
6 employees involved were?

7 A. Not at this time. We're talking many
8 years ago.

9 Q. Did you give any guidance to the
10 employees on that occasion as to how to go about
11 procuring the CB-80? In other words, did you tell
12 them where to buy it, did you tell them whose
13 money to use, anything like that?

14 MR. MOY: Objection.

15 A. The money used, I don't know anything
16 about. Where to buy it, no, I didn't. It's not
17 that I remember that I did.

18 Q. As far as you know, did the employees
19 actually use the CB-80 between the time when you
20 encouraged it and the time you corrected yourself?

21 A. I --

22 MR. MOY: Objection.

23 A. I did not observe it.

24 Q. Did anybody inform you that in that
25 interval it had been used?

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2 A. No, they did not.

3 Q. Did you ask?

4 A. No, I did not.

5 Q. Was there a particular reason why you
6 didn't ask to confirm if it had been used or not?

7 A. Yeah, there was no reason. I just
8 didn't follow up on it. So if the issue was still
9 persistent, they would have contacted me.

10 Q. Other than what you've already
11 mentioned, can you recall any other interactions
12 or communications with Rafael Fox?

13 A. No, I can't.

14 Q. What about with Jill Shwiner?

15 A. Joel or Jill?

16 Q. Jill.

17 A. Jill, yes.

18 Q. In what context did you interact with
19 her?

20 A. I -- I've interacted with Jill via
21 phone, e-mail, and I've toured with Jill as well.
22 I must have met her at stores, too.

23 Q. And Paul D'Auria?

24 A. Paul, I don't remember if I met him
25 once when I was touring with a -- with Jill or

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2 not; but I do remember that someone came over and
3 I think needed -- someone needed to drop something
4 off to her, so -- but I'm not sure if I recall
5 meeting him or not.

6 Q. Did you exchange e-mails with him,
7 that you can remember?

8 A. With Paul, no. Only with Jill.

9 Q. Did you have an understanding of what
10 Paul's job was in connection with Starbucks?

11 A. Paul worked for AVP as a pest
12 applicator.

13 Q. Is a pest applicator the same as a
14 pest control technician?

15 A. Uh-huh, yes.

16 Q. Is one of them more official than the
17 other or are those interchangeable words?

18 A. Interchangeable words.

19 Q. What was AVP's role in connection
20 with your work in Starbucks?

21 A. So my connection -- AVP's role with
22 my connection in Starbucks is that -- as I said,
23 my role and responsibility dealt with the Health
24 Department. The Health Department deals with pest
25 issues, so in a way my role overlaps slightly with

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2 facilities when it comes to pest issues.

3 Q. Was it your understanding that AVP
4 was contracted to provide pest control services at
5 certain Starbucks stores in Manhattan?

6 A. Yes, it was.

7 Q. Do you know during what period of
8 years within your tenure they provided those
9 services?

10 A. I couldn't be -- I couldn't tell you
11 exactly what period. I don't manage in those
12 facilities.

13 Q. Who was the -- who do you believe is
14 the most likely person to have been responsible
15 for managing them in facilities, is there an
16 individual?

17 MR. MOY: Objection.

18 A. It would have been the facility
19 manager and the senior facility manager.

20 Q. In your role as quality assurance
21 director, did you ever provide instructions or
22 directions to AVP concerning how they do their
23 jobs?

24 MR. MOY: Objection.

25 A. So I've -- I spoke with Jill quite a

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2 few times and, yes, we discussed treatment
3 options.

4 Q. Did you ever have involvement in the
5 decision to discontinue AVP services at Starbucks?

6 A. Again, the facility -- the senior
7 facility manager manages that vendor, so I have no
8 decision in that process at all.

9 Q. Do you know who replaced AVP at the
10 stores in Manhattan?

11 A. There has been a few different
12 companies, but who replaced AVP in certain stores
13 again I don't know.

14 Q. As far as you know, has any outside
15 pest control vendor ever been determined to have
16 placed Hot Shots in stores?

17 A. I remember Ecolab, but I'm not sure
18 if it was Hot Shots per se. I've got to -- again,
19 I'm not a hundred percent sure.

20 Q. Is Eco -- I'm sorry, I didn't mean to
21 speak over you if you were still answering.

22 A. No, go ahead.

23 Q. Is Ecolab a pest control vendor?

24 A. Ecolab was our pest control vendor,
25 yes.

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2 Q. Is there something that you're
3 familiar with called EcoSure?

4 A. Yes, absolutely.

5 Q. What is that?

6 A. EcoSure is our third-party auditor.
7 So the QA, the quality assurance team, we manage
8 EcoSure.

9 Q. Could you describe the process of
10 their audits; what's they're auditing for, how
11 often they do it?

12 A. So it has changed, but when I first
13 started with Starbucks they audited the stores
14 twice a year; and they're auditing it, again, on
15 our facilities' cleanliness and food safety
16 standards.

17 Q. Would they generate a report of some
18 sort for the stores that they audited?

19 A. Yes, they do.

20 Q. Is that --

21 A. Pardon me?

22 Q. I -- I made a mistake again. I
23 started talking before you had completely
24 finished. I'd -- I would like to get your full
25 answers.

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2 A. They do generate a report. They used
3 to print it up and hand it to the store onsite.

4 Q. Would that also be sent to your
5 attention?

6 A. No. Back then it wasn't sent to my
7 attention, but I had access to the Ecolab and
8 EcoSure website where I routinely went in there
9 and looked at them.

10 Q. And then at some point did that
11 change in terms of handing it to store managers
12 and you're looking up in the database?

13 A. The system did change. We went
14 digital, so they no longer printed it up. They
15 just e-mail in 24 hours and I'm part of that
16 e-mail chain.

17 Q. Do you review the audits that are
18 e-mailed to you?

19 A. I don't review every single one, but
20 I do pull reports every month.

21 Q. Has EcoSure noted or cited any of the
22 Starbucks stores in Manhattan for improper
23 pesticide use, as far as you know?

24 A. I would have to go back and check the
25 reports, but from my memory right now I couldn't

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2 tell you.

3 Q. Do you have any memory of being
4 involved at all in following up on any information
5 from EcoSure about the use of pesticide in
6 Starbucks stores?

7 A. No, I don't remember following up. I
8 don't remember reading it, but without going back
9 and checking it so -- I mean, we're talking about
10 seven years' worth now.

11 Q. I'm going to post another exhibit,
12 this one is labeled Exhibit Kranz 47. It's a
13 two-page document Bates numbered DEF 17223 to 24.
14 When I post it, Mr. Kranz, I would ask that you
15 open it and begin reviewing it while the court
16 reporter does the marking.

17 A. Understood.

18 (Whereupon, Kranz Exhibit 47 was
19 marked at this time.)

20 A. Okay.

21 Q. First of all, I will note for the
22 record it appears to me, I don't want to be hiding
23 the ball, you were cc'd on the e-mail at the top
24 which was the end of the chain.

25 A. Okay.

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2 Q. Do you recall receiving this e-mail?

3 A. I actually don't recall receiving
4 this e-mail.

5 Q. The e-mail that starts around the
6 middle of the first page was addressed by
7 Jillavptermite@aol.com on September 15, 2016 to a
8 Margaret Kis, do you know who that person is?

9 A. Yes, I know Margaret Kis.

10 Q. What position did she have in 2016,
11 if you know?

12 A. She's a facilities manager and she
13 was back then too.

14 Q. In that e-mail it starts "Hi,
15 Margaret. I just got a call from Paul. He was
16 about to service Store 15359 and noticed they were
17 locking up, so he waited for them to leave. He
18 then entered the store and walked into a face full
19 of two bug bombs the store had just set off. The
20 store had no warning signs posted and also did not
21 cover any surfaces, so everything including food,
22 utensils, equipment should be washed down and any
23 food products condiments should be disposed of."

24 Mr. Kranz, do you have an
25 understanding maybe in the industry what a bug

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2 bomb is? Does that have a standardized meaning?

3 MR. MOY: Objection.

4 A. I can only tell you from my
5 experience about what that means.

6 Q. What does it mean in your experience?

7 A. In my experience would be a can that
8 you set and it disperses a pesticide.

9 Q. Are there any devices like that that
10 are permissible for employees to use in Starbucks
11 stores?

12 A. No, there is not.

13 Q. I know you've indicated you don't
14 remember the specific e-mail. Do you remember the
15 events that are described in the e-mail, at least
16 the part that I read?

17 A. No, I don't.

18 Q. Do you have any information at all
19 about whether there was or wasn't any followup on
20 this particular e-mail?

21 A. I couldn't tell you. I -- I don't
22 even remember the incident happening. I don't
23 remember the e-mail. Sorry.

24 Q. In that case, we can put it aside.

25 A. Okay.

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2 Q. I've just posted a document labeled
3 Exhibit Kranz 2. It's a one-page document Bates
4 number Defendant 1371. And again, Mr. Kranz, if
5 you can, open it and read it while the court
6 reporter marks it.

7 (Whereupon, Kranz Exhibit 2 was
8 marked at this time.)

9 A. Okay.

10 Q. Mr. Kranz, do you remember this
11 e-mail chain?

12 A. I remember the incident, yes.

13 Q. What do you remember of this
14 incident, if you could describe in your own words?

15 A. So the store -- I don't remember all
16 the violations. The store failed Department of
17 Health. I don't remember all the violations, but
18 I do remember there was a rodent issue and that
19 was one of the citations that they got.

20 Q. Toward the top, but not the very
21 first, the second e-mail in the chain is sent on
22 November 22nd, 2016, 8:36 a.m., Rami Kranz, and
23 there's an e-mail address. Is that your Starbucks
24 e-mail address?

25 A. That is, yes.

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2 Q. Do you recognize the text below that
3 as an e-mail that you wrote?

4 A. Yes, I do.

5 Q. A couple of questions about some of
6 the language in the bullet. The second to the
7 last bullet in that e-mail you wrote, "We are
8 restricted to what we can do legally." Could you
9 explain what you're referring to?

10 A. Absolutely. So we weren't allowed to
11 use any pesticide, but I did have a plan that I
12 learned when I was in Victoria Fine Foods from the
13 pest control technician there, but that plan was
14 not something that we could do before the
15 Department of Health reinspected us.

16 So the plan basically was set up 20
17 snap traps, bait them but not set them, and wait
18 for the seven days and let the rodents get used to
19 eating out of those snap traps, and then on the
20 seventh date we bait them and we set them and then
21 you catch everything in the store; but again they
22 were on a high risk of a second audit, so it was
23 not something -- so we did not have the time for
24 it which is what that bullet was, we were
25 restricted with what we could do legally, you

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2 know; but if you read at the top too, you know,

3 "We can step up pest control to daily."

4 So, you know, I spoke about and I
5 coached Selena, who was the district manager,
6 right, on maintaining a high level of cleanliness
7 in the store, right, maintaining the Starbucks
8 procedures, Starbucks policy, you know, of how to
9 keep the stores, right, especially under the
10 counter. So what we were trying to do is we're
11 trying to help pest control by keeping the store
12 clean.

13 Q. Could I ask you to read for the
14 record the last bullet, the one immediately after
15 the one I just read.

16 A. "After the inspection, I have a plan
17 with Selena to raise this to drastic levels and
18 deal with the rodent issues."

19 Q. What are you referring to in that
20 bullet?

21 A. I'm referring to my plan with the
22 snap traps. So that we were going to set up 20
23 snap traps, bait them but not set them, get the
24 rodents used to eating off of them, and then on
25 the seventh day we bait and we set them all off,

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2 and -- set the snap traps and then we'll catch
3 everything. That's the drastic levels that we can
4 do because I was actually going to ask not only
5 pest control, but ask that the store partners
6 don't dispose of them either, the snap traps that
7 is.

8 Q. Are store partners allowed to
9 manipulate or remove or move pest control devices
10 placed by vendors?

11 MR. MOY: Objection.

12 A. You're asking me are they allowed?

13 Q. Yes. So I understood from your prior
14 answers, they're not allowed to place such
15 devices. I'm asking: Are they allowed to modify
16 them or move them or touch them?

17 A. There's no regulation on --

18 MR. MOY: Objection.

19 A. There's no regulation about that, so
20 it's -- in the process of cleaning if they happen
21 to damage one, yes, they can throw it out.

22 Q. Is that a written policy?

23 A. No. That's what I said, there's no
24 policy on that. We're not allowed to use any
25 pesticides, but there's no policy on what happens

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2 if we -- you know, we see a snap trap that gets
3 caught in a broom, you know, when you're sweeping
4 underneath.

5 Q. When that happens, is there any
6 direction or guidance as far as what employees
7 should due to notify anyone or there's just no
8 policy there?

9 MR. MOY: Objection.

10 A. So officially, no, there isn't. What
11 I would coach is that just put it to the side and
12 leave a note for the pest vendors and let them
13 know, you know, where it is; and that's if we're
14 talking snap traps, just to be clear.

15 Q. With respect to Hot Shots if an
16 employee at a store discovers that a Hot Shot is
17 present, do you know if Starbucks has any rules or
18 guidelines as to what that employee should do?

19 A. There are no rules or guidelines
20 because we're not allowed to put the pesticide
21 there.

22 Q. So if an employee sees that it is
23 there --

24 A. Yes.

25 Q. -- to your understanding is there a

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2 process they're supposed to initiate?

3 A. I haven't seen a process officially
4 in any of the -- in any of the Starbucks
5 guidelines, no.

6 Q. Have you ever given instructions to
7 employees as to how they should respond if they
8 discover such a device in their store?

9 A. When asked by operations, my
10 advice has always been grab a rubbish bag, grab
11 the -- you know, the pesticide, put it in, you
12 know, holding the rubbish bag, tie a knot, and
13 dispose of it in the rubbish bin.

14 Q. Are there any legal or Health
15 Department standards that bear on how to
16 permissibly safely dispose of Hot Shots?

17 A. There are legal requirements, but not
18 Health Department requirements. It's the Label
19 law. So on the label of the product would tell
20 you how to dispose of them.

21 Q. And you just referred to or used a
22 phrase "label law" and what are you referring to,
23 what is that phrase?

24 A. On all pesticides, there's a label;
25 and any pest control technician, you know, when

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2 you go through the course will learn that the
3 label is the law that you have to follow.

4 Q. With respect to Hot Shots as far as
5 you can remember as you sit here today, did the
6 label give any guidance on safe disposal?

7 MR. MOY: Objection.

8 A. I believe it has to so, yes; and from
9 my memory from back then, you were safe to dispose
10 of in the regular like rubbish bin.

11 Q. Is that still your understanding as
12 you sit here today, that it's safe to just throw
13 it in the trash?

14 A. I believe so. I mean, I'll have to
15 review the label to, you know, determine a hundred
16 percent, but I do remember that it was safe to
17 dispose of in the rubbish bin, you know.

18 Q. Are there other pesticides that
19 you're familiar with having been used at Starbucks
20 stores in Manhattan that are not safely disposable
21 in normal garbage bins?

22 A. Not that I know of.

23 MR. MOY: Objection.

24 Q. Are there any restrictions, that you
25 know of, on how to dispose of CB-80?

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2 A. I don't remember if there are or not.
3 I'll have to look at the label to refresh my
4 memory.

5 Q. I'm posting another document. This
6 is Exhibit Kranz 46. It is a three-page e-mail
7 chain bearing Bates numbers DEF 126 to 128. I
8 again ask you, Mr. Kranz, if you could open and
9 review the document while the court reporter marks
10 it and let me know when you're done.

11 A. Okay.

12 (Whereupon, Kranz Exhibit 46 was
13 marked at this time.)

14 A. I'm good.

15 Q. Mr. Kranz, do you recognize all or
16 any part of this document?

17 A. I do.

18 Q. Do you recall having seen this chain
19 at or about the date that it was sent -- actually,
20 let me break it down a little bit more.

21 On the first page, on the top half of
22 the page this appears -- please correct me, it
23 appears to be an e-mail to you from the company's
24 inhouse counsel on February 26, 2019. The body
25 says, "Stephen Gallant on 8/2016." Was that just

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2 you forwarding the e-mail chain to company
3 counsel?

4 A. That is correct upon a request, yeah.

5 Q. Okay, and I don't want to talk about
6 counsel.

7 Let's jump down though to the
8 original chain that you forwarded, which is from
9 Stephen Gallant on August 2nd, 2016 to you
10 "Subject: Forward to Dichlorvos No-Pest Strips."
11 Mr. Kranz, do you remember from this point to the
12 bottom having received and read it on or about
13 August 2nd, 2016?

14 A. I remember receiving this e-mail,
15 yes, and the other e-mail, correct.

16 Q. Stephen's e-mail states "Rami, we
17 have passed on to ops not to use these pest
18 strips. It might have more weight coming from
19 you. Stephen Gallant." Mr. Kranz, do you have an
20 understanding about what he meant as far as "have
21 more weight coming from you."

22 A. So I can't --

23 MR. MOY: Objection.

24 A. So I can't say exactly what Stephen,
25 you know, was thinking back then. I can tell you

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2 from my side of the story what I -- what I saw
3 when I first started with Starbucks. I can
4 explain that, but I can't tell you what Stephen
5 was writing.

6 Q. Of course I'm asking for what your
7 interpretation was in your own mind as you read
8 his words.

9 A. So facilities went through a change
10 around 2017, and what I mean by "a change" was
11 when I was started with Starbucks they -- they
12 didn't have the -- they didn't have the voice with
13 the operations team like QA did at the time. So I
14 know that -- I know that, you know, especially
15 when it came to Health Department issues, you
16 know, I had more voice with operations, but that's
17 my side; so what he meant by "more weight" I'm not
18 sure, but I know what I saw when I first started.

19 Q. Did you understand that Mr. Gallant
20 was asking you to do anything in particular?

21 A. What I understood was Mr. Gallant
22 just wanted me to emphasize, you know, the point
23 that he made with the operation leadership team.
24 That was my understanding of it.

25 Q. Did you do that?

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A. Absolutely. I -- I was on the leadership team every -- every week, so every Monday I met with the regional vice president and the four HDs at the time. I'd -- the assistant was also there and I brought this up and I mentioned it; and then Ross also, you know, emphasized the point where he did not want to see anything and that's what started, you know, everything. That's what started me, you know, joining the regional directors huddle with their district managers and emphasizing the point and then the regional director emphasizing it again on top of me.

I also joined, you know, some district manager huddles, not all of them, where we emphasized the point to the store managers; and I also included into the shift safety workshops that I did once a month and we emphasized it there as well.

So, I mean, the minute it was brought to our attention, I mean, we really -- you know, we really took it as very serious and we started speaking to everyone, and I can tell you the leadership team was all onboard about getting the

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2 message out and not to use this at all.

3 Q. And within what period of time had
4 those actions resolved the problem of Hot Shots in
5 stores?

6 MR. MOY: Objection.

7 A. I can't tell you. It says Tuesday,
8 so it would have already started that following
9 Monday. So I would have spoken to them, but the
10 official meeting would have been on Monday and
11 that's -- it just started and then every week,
12 I -- I was bringing it up just to make sure that
13 it was emphasized.

14 Q. At some point in the course of doing
15 all of that emphasis, did you feel confident that
16 the message had gotten through and that the
17 problem was handled?

18 A. I felt confident that the message had
19 got through. That the problem was solved, I
20 can't -- I couldn't answer that because I don't go
21 into -- I'm confident that the message got
22 through. I can't be confident that the problem
23 was resolved because I wasn't in every store to
24 follow up. I was only in select stores
25 with the district managers and some direct --

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2 regional directors.

3 Q. Did you make any inquiries of anyone
4 in operations or elsewhere at the company to
5 ascertain whether --

6 MR. GRAFF: Let's go off the record.

7 (Whereupon, a brief discussion was
8 held off record.)

9 Q. Mr. Kranz, before the stretch break I
10 had been asking you whether you ever followed up
11 with operations management to determine whether
12 your efforts to spread the word about Hot Shots
13 had been successful. Did you make such inquiries?

14 A. Well, with the district managers I
15 spoke to them about it. I spoke to -- with the
16 regional directors during our one on ones.

17 Q. Did they advise you that Hot Shots
18 had been resolved as a going problem?

19 MR. MOY: Objection.

20 A. They advised me that -- that they'd
21 been speaking about it and it was a priority to
22 them and that they'd been speaking about it with
23 their team and advised their team to keep, you
24 know, pushing it down all the way down to the
25 barista level and advised everyone it was not

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2 Starbucks standards to use them.

3 Q. Was there ever any communication that
4 you were a part of about whether efforts that were
5 being made were sufficient to deter the misuse of
6 Hot Shots in stores?

7 MR. MOY: Objection.

8 A. I remember one e-mail from Ron
9 Schuler who was a regional director that confirmed
10 that the message was being handed out; and it was
11 also not an e-mail, but in the leadership team,
12 you know, I also got confirmation that they'd been
13 mentioning it with their team every time the
14 regional directors were out in stores.

15 Q. Do you have any information from any
16 source as to whether anyone at the company ever
17 conducted an investigation to determine the origin
18 of any particular Hot Shot in the Starbucks store?

19 MR. MOY: Objection.

20 A. Can you just repeat that one more
21 time, please; do I have any --

22 Q. I'll ask something different. As
23 far as you know, did Starbucks ever identify
24 specifically any individual who had placed a Hot
25 Shot in a store?

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2 MR. MOY: Objection.

3 A. That's out of my role and
4 responsibilities, so that's part of operations.
5 I'm not privy to that information.

6 Q. In terms of what has been
7 communicated to you, if anything, in the course of
8 your work, to your knowledge has Starbucks
9 identified who was responsible for placing any
10 particular Hot Shot in a store?

11 A. Again, it's not my role and
12 responsibility so, no, I'm not part of that chain.
13 They wouldn't be telling me. I'm a coach or a
14 consultant to them on food safety issues,
15 cleanliness issues, Health Department issues,
16 pests because that overlaps with the Health
17 Department and facilities. So I'm a coach and
18 consultant, but I don't know anything more
19 about if they've identified anything.
20 It -- it's not part of my role and
21 responsibility.

22 Q. Did anyone ever communicate to you
23 that they were unable to determine who was
24 responsible for placing a Hot Shot in the store?

25 MR. MOY: Objection.

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2 A. I don't recall, but it's -- I really
3 don't recall. It's possible, but again I may have
4 been on an e-mail chain; but that's what I don't
5 recall.

6 Q. Turning back into the document, we
7 had been looking at the e-mail that Jill Shwiner
8 sent on August 1st, 2016 that's on the second page
9 of this exhibit.

10 A. Yes, 2016, here you go. Yes.

11 Q. Jill wrote -- in the first long
12 paragraph Ms. Shwiner wrote, "We occasionally find
13 them, Hot Shots, in some stores but recently there
14 has been an increase in the amount of stores we
15 find them in."

16 Mr. Kranz, did you ever reach out to
17 Ms. Shwiner to get any further information about
18 where she was finding Hot Shots?

19 A. I have spoken to Jill about that and
20 Jill e-mailed me and we've spoken about it, yes.

21 Q. Okay, and when you were forwarded
22 this e-mail where she said "recently there has
23 been an increase in the amount of stores we find
24 them in," did you discuss that specific statement
25 in her e-mail with her at or around the time you

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2 read it?

3 A. I don't recall if I had a
4 conversation specifically regarding that with Jill
5 around that time. I do recall, though, that I did
6 have a specific conversation about that with the
7 operation leadership team.

8 Q. The next paragraph begins, "We
9 generally find them on top of the cabinets or
10 below the FOH counters." In this context, do you
11 know what "FOH" refers to?

12 A. Front of house.

13 Q. On the occasion that you had been
14 relating when you were present and watched the
15 health inspector conduct an inspection in the
16 store, did the inspector get up on a ladder and
17 look above the tops of cabinets as part of the
18 inspection that you observed?

19 A. The health inspector had not gone on
20 top of ladders that I've ever seen.

21 Q. What about under the front of house
22 sink; was any part of the inspection that you
23 observed focused on that?

24 A. Absolutely.

25 Q. After this e-mail, when is the next

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2 specific time that you can remember being informed
3 that a Hot Shot had again been found in a store?

4 A. I can't recall. I mean, this
5 is -- this is actually more than four years ago.
6 I don't recall specifically what time or the date.

7 Q. Do you believe that there were
8 subsequent occasions where you were told about Hot
9 Shots in stores beyond the date of this e-mail?

10 A. By who?

11 Q. Anyone.

12 A. Yes.

13 Q. Was that something that you would be
14 notified about periodically, but on a relatively
15 consistent ongoing basis or something else?

16 MR. MOY: Objection.

17 A. No, it was not something that I was
18 regularly informed of.

19 Q. Did you, yourself, come to the
20 conclusion or form a belief that the problem was
21 at any point in time waxing or weaning in terms of
22 its severity?

23 MR. MOY: Objection.

24 A. I hadn't come to that conclusion. I
25 actually haven't come to any conclusion. When I

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2 was in stores with district managers and regional
3 directors, I was still keeping an eye out for it.
4 I still do today.

5 Q. Have you personally observed a Hot
6 Shot in a store while physically there?

7 A. Yes, I have.

8 Q. When is the most recent time?

9 A. I have not found one in -- that I can
10 recall in probably about two-and-a-half, three
11 years.

12 Q. So, approximately, do you remember
13 the month or year of the last time?

14 A. Not at all.

15 Q. Do you remember where you found it?

16 A. No, don't even remember that. It's
17 been that long ago.

18 Q. Do you remember any other occasions
19 when you personally observed a Hot Shot in a
20 Starbucks store?

21 A. There has been a couple of occasions
22 where I found them personally, yes.

23 Q. When is the most recent occasion,
24 that you can remember?

25 A. That was what I just recalled that I

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2 just spoke to you about. It was about two years
3 ago, two-and-a-half years ago.

4 Q. And you don't remember the store
5 location specifically?

6 A. No, I go to a lot of stores. I don't
7 remember the store location or where I even like
8 found it in the store. It's that long ago.

9 Q. Do you remember what, if anything,
10 you did when you found it?

11 A. Absolutely. I contacted Tracy
12 straightaway. The district manager was there and
13 I contacted the regional director, right, and just
14 informed them.

15 MR. MOY: Can you clarify who Tracy
16 is.

17 THE WITNESS: Oh, Tracy is the
18 regional vice president. She took over after
19 Ross Shadix left.

20 A. One thing that I'd like to add too
21 that the last one that I found about two,
22 two-and-a-half years ago was very old. It had a
23 lot of dust on it.

24 Q. Have you ever personally -- apart
25 from the one occasion we talked about early on in

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2 your tenure where you had encouraged CB-80,

3 putting that aside --

4 MR. MOY: Objection.

5 MR. GRAFF: That wasn't a question.

6 Q. -- did you at any point yourself
7 observe CB-80 present in any Starbucks store?

8 A. No, I haven't.

9 Q. Is that something you also check for
10 on your store visits?

11 A. Part of our store visits and back
12 in -- prior to 2018 we were looking for
13 unauthorized -- like unauthorized chemicals, and
14 that's not just pesticides. That could also be
15 Ice Melt that wasn't purchased from Starbucks, it
16 could be Apple Cider Vinegar. Anything we haven't
17 purchased from Starbucks is considered an
18 unauthorized chemical.

19 Q. Are you familiar with a product
20 called D-Force?

21 A. Yes.

22 Q. What is it?

23 A. D-Force is very similar to CB-80 in
24 that it's an aerosol pesticide.

25 Q. Did EcoSure ever in its audits make

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2 any notations about the use of CB-80 in Starbucks
3 stores?

4 A. Not that I observed.

5 Q. Is that something that EcoSure would
6 generally, as part of their audits, be on the
7 lookout for?

8 MR. MOY: Objection.

9 A. They would also be looking out for
10 unapproved products.

11 Q. I'm posting a two-page document
12 marked Exhibit Kranz 15 bearing Bates numbers DEF
13 139 to 140.

14 (Whereupon, Kranz Exhibit 15 was
15 marked at this time.)

16 Q. Mr. Kranz, do you recognize this
17 document?

18 A. Yes, I do.

19 Q. What is it?

20 A. It's an e-mail from myself to the
21 region -- or the operations leadership team,
22 including the RVP and the RDs and including
23 Jasmine Onumah who was my quality assurance tech
24 back then.

25 Q. Just for the record before we get

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2 into the substance to clarify, the top half of the
3 first page appears to be an e-mail from you
4 forwarding the rest of the chain to Robyn Ruderman
5 on February 6, 2019; is that a correct
6 interpretation?

7 A. Yes, that's correct.

8 Q. She's the company counsel and you
9 were forwarding it to her as requested?

10 A. Correct.

11 Q. Okay. So putting that part of the
12 e-mail aside, I think your prior response you were
13 describing the e-mail from you on September 29,
14 2017 to a number of individuals. Who are those
15 individuals; why did you select them as the
16 recipients?

17 A. They're the -- so
18 previous --

19 MR. MOY: Objection.

20 A. Previously when I was discussing
21 that, I would mention this in the operations
22 leadership team meetings. This is the operations
23 team. So these are the regional directors; Alexis
24 Vatucci, Carla Ruffin, Ron Schuler and Kate
25 McShane, and Ross Shadix was the regional vice

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2 president. So again my role was coaching,
3 consulting on anything to do with cleanliness,
4 food safety, Health Department which also included
5 pests.

6 So, again, I was emphasizing, you
7 know, the point, right, and keeping the
8 communication fresh in everyone's mind to ensure
9 that our team knows this is not a Starbucks
10 protocol, right, and that we should not be using
11 it at all. If they've got a problem, Starbucks
12 has the resources to fix the problem. So if it's
13 a pest control problem, we've got vendors. If
14 it's a facilities issue, we also have vendors and
15 handymen to come in and do that. If it's a
16 cleanliness issue, you know, they've got that; an
17 HVAC issue, we've got people for that. You know,
18 the store managers shouldn't be, you know, doing
19 this themselves.

20 Q. The last thing you just said, "the
21 store managers shouldn't be doing this
22 themselves," what do you mean?

23 A. Well, I mean the stores themselves,
24 the partners, right, shouldn't be taking this
25 under themselves as -- as per Starbucks' guidance

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2 and protocol, all right. If they've got a
3 problem, call the FPC and the pest vendors will
4 come in and look after it. It's the store
5 managers and our partners' responsibility to keep
6 the store clean, right, and keep the store
7 according to Starbucks standards.

8 Q. Could I ask you to read the last
9 sentence on the first page that you wrote here,
10 starts "Accordinging."

11 A. Yep. According to the label
12 regulations, partners can only work in a store
13 with the pest strips for no more than four hours.
14 Otherwise, the partners may become ill."

15 Q. Why did you write that sentence?

16 A. Again, it was --

17 MR. MOY: Objection.

18 A. It was to emphasize my point with
19 regional directors. Starbucks is all about
20 partner safety, partner care, you know, so
21 everything to do with the partners is very
22 important with the company. So to emphasize
23 that this, you know, may potentially or could be,
24 you know, something that could, you know, not be
25 healthy for a partner, right, is the way that I

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2 can emphasize the strength of this.

3 Q. On occasions when Hot Shots were
4 discovered in Starbucks stores, was there a
5 notification provided to partners who had worked
6 in that store to let them know that they may have
7 had this dangerous exposure to their health?

8 MR. MOY: Objection.

9 A. I can't talk about that because I
10 don't know. Again, that's part of operations.

11 Q. Did you ever become aware -- from
12 operations or anything you saw or anything that
13 was told to you, did you ever become aware of a
14 communication to partners notifying them that they
15 may have been exposed to Hot Shots or Dichlorvos?

16 A. So I -- I don't recall any
17 communication and I wasn't personally told.
18 Again, it not's part of my role and
19 responsibilities. Operations would take that.

20 Q. Would you expect that operations
21 would have informed partners?

22 MR. MOY: Objection.

23 A. I don't know how to answer that
24 either.

25 Q. As you sit here today, do you know

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2 one way or another whether any Starbucks employees
3 became ill in connection with Hot Shots?

4 A. I have not heard of any partner
5 becoming ill with a Hot Shot.

6 Q. And you've never heard of partners
7 being asked if they felt ill after exposure to Hot
8 Shots; is that correct?

9 A. Personally, I've never seen anyone
10 being asked that.

11 Q. Are you aware of any legal or
12 regulatory standard or guideline for providing
13 notice to employees if they're exposed to hazards
14 in the workplace?

15 A. I'm not aware of what the legal
16 requirements are. It's out of my role and
17 responsibility.

18 Q. What, if anything, prompted you to
19 write this e-mail on September 29, 2017?

20 MR. MOY: Objection.

21 A. I don't recall what prompted me, so I
22 don't know what the situation was that prompted me
23 to do that. That, I don't recall.

24 Q. Did you have any discussions with
25 anybody about the substance of your e-mail after

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2 sending it?

3 A. Yes, I brought it up to the
4 leadership team like I was doing every week.

5 Q. To the best of your knowledge and
6 information was there ever a systematic effort
7 made to search through stores, locate any Hot
8 Shots, and remove them in a systematic way all at
9 once?

10 MR. MOY: Objection.

11 A. Systematic way all at once, no, I
12 cannot answer that; but what I can say is that
13 through the communication from the leadership team
14 and through my in-field days with the district
15 managers and the regional directors, there was
16 very high awareness on the Hot Shots and while the
17 operations was in stores they were looking for
18 them.

19 Q. Again, is it the case that you have
20 no information as to whether operations ever
21 reached any conclusion as to the source of any
22 particular Hot Shots?

23 MR. MOY: Objection.

24 A. It's very difficult to answer because
25 for argument sake the Hot Shot that I found two,

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2 two-and-half years ago was extremely dusty. I had
3 no idea how old it was or how even they go back
4 about trying to track anyone who may have put it
5 up there. So it's very difficult to try and
6 determine who put it up there and to try to
7 determine the age of the actual product as well.

8 Q. Were you ever informed by anybody
9 that on any occasions it had been determined that
10 a particular individual put a Hot Shot?

11 A. I was never informed about anyone
12 putting out a Hot Shot, but again it's not my role
13 and responsibility. Operations looks after that
14 and that's not something they discuss with me.

15 Q. I'm going to post another document.
16 This one is Exhibit Kranz 13. It's a two-page
17 document produced by plaintiffs.

18 (Whereupon, Kranz Exhibit 13 was
19 marked at this time.)

20 A. I see it.

21 Q. Mr. Kranz, do you recognize this
22 document?

23 A. I -- yes, I do.

24 Q. Do you remember that document?

25 A. I do remember it, yes.

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2 Q. The second page is an e-mail from
3 Jillavptermite@aol.com on September 26, 2017 to
4 Kranz, "Subject: No-Pest Strip - Desk Pound
5 9467."

6 Mr. Kranz, as far as you know how
7 often did AVP technicians conduct regular
8 inspections or -- at stores?

9 MR. MOY: Objection.

10 Q. I'll ask it differently. Did AVP
11 have technicians that serviced stores on a
12 particular regular schedule?

13 MR. MOY: Objection.

14 A. Yes, so AVP had to service our stores
15 on a monthly basis according to the law.

16 Q. So each store would be once a month?

17 A. Once a month unless there was an
18 issue that they called in, and then they could
19 increase the frequency.

20 Q. In the e-mail from Jill she writes,
21 "Hi, Rami. Tech just found No-Pest Strip on desk.
22 This is second store since yesterday we found
23 these. Yesterday tech was working under counter
24 and turned his head and he was inches from a
25 strip." Do you know what store Ms. Shwiner was

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2 referring to?

3 A. I'll answer, I have not memorized the
4 store numbers.

5 Q. She said this is the second store
6 since yesterday and she does provide the Number
7 9467. Do you know what the first store was, the
8 one that had been referenced?

9 A. Yeah, I don't recall that.

10 Q. Did you ask her?

11 A. I don't even remember if I asked her
12 or not. I'd like to review e-mails.

13 Q. Going to your response to her on the
14 first page, could I ask you to just read the text
15 for the record.

16 A. Yes. "Hi, Jill. I'll send out an
17 e-mail to RDs tomorrow morning. My apologies to
18 the tech. Thank you."

19 Q. To the best of your memory, did you
20 send such an e-mail?

21 A. If I said I'll send it out then, yes,
22 to the best of my memory I would have sent it out.

23 Q. When you say that you would send it
24 to RDs, who are you referring to?

25 A. Regional directors.

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2 Q. Are there specific individuals who
3 were the regional directors in 2017 for Starbucks?

4 A. Yes. So if we look at Exhibit Kranz
5 15, if you look at the e-mail that I sent out to
6 it says it lists the regional directors and the
7 regional vice presidents.

8 Q. That's very helpful, thank you.

9 Would those be the individuals who
10 you would have had in mind to send this next
11 e-mail to?

12 A. Yes.

13 Q. Do you know what, if anything, was
14 actually done in response to your e-mail?

15 A. Can you clarify that; what was done
16 by who?

17 Q. By the regional managers in response
18 to your e-mail which was prompted by Jill's report
19 here. Do you know what happened after you sent
20 your e-mail?

21 A. Yes. So, again, I would have
22 mentioned it in the leadership team meeting on
23 Monday, which would have been the following
24 Monday. They would have mentioned it in their
25 huddles with their district managers and then

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2 district manager huddles with the store manager
3 and the store manager huddles with the shift
4 supervisors.

5 Q. When you would mention such things,
6 would you identify the stores where the issue had
7 been identified?

8 A. No, it wasn't necessary to identify
9 the stores specifically. It was just necessary to
10 get the communication back out again and the
11 awareness that, you know, it's still being found.

12 Q. Did you track in any way the
13 incidents where Jill or anybody else informed you
14 that Hot Shots were found?

15 A. Can you repeat that, did I what?

16 Q. Did you track the incidents that you
17 were informed of by Jill or anybody else
18 concerning Hot Shots in stores?

19 A. I personally --

20 MR. MOY: Objection.

21 A. I personally didn't track anything
22 else.

23 Q. So you didn't keep a log of store
24 numbers and dates, something like that?

25 A. No.

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2 Q. When you would communicate the
3 message that Hot Shots aren't allowed to all of
4 the leaders, did you ever communicate to any
5 specific individual leaders that you had
6 identified the problem in their stores in
7 particular rather than somewhere just generally in
8 the region?

9 MR. MOY: Objection.

10 A. So on occasion I had -- on my
11 one-on-one meetings with the regional directors I
12 would mention that, you know, I'd been informed
13 that Hot Shots were found in some of their stores.

14 Q. Who had you mentioned that to
15 specifically?

16 A. From my memory now, I can recall
17 mentioning to Ron Schuler.

18 Q. Anyone else?

19 A. I don't recall. You know, it's very
20 possible, but I just don't recall if I mentioned
21 it to anyone else. Ron I just remember.

22 Q. Did Ron report back to you that he
23 had looked into it or done anything in particular
24 after you had that communication with him?

25 A. Ron told me during a meeting, that he

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2 was going to reiterate the message again with his
3 district managers, right, and that -- you know,
4 reiterate the message that it's not going to
5 be -- that it's not a Starbucks standard, right,
6 and that we should not be using it at all.

7 Q. Are there other Starbucks standards
8 that are violated without disciplinary
9 consequences, that you're aware of?

10 MR. MOY: Objection.

11 A. No, I don't know anything about
12 disciplinary actions because, again, it's not part
13 of my role and responsibility and I'm not privy to
14 that information.

15 Q. When we have been talking about the
16 policy and how you've reiterated it that Hot Shots
17 aren't to be used, to be completely clear your
18 understanding was that it was a mandatory policy,
19 not like an advisory guideline; is that fair?

20 A. Yes, it's a Starbucks standard
21 written in the food safety manual.

22 Q. I've just posted a document, Kranz
23 Exhibit 44. It's a one-page document Bates
24 numbered DEF 27788.

25 (Whereupon, Kranz Exhibit 44 was

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2 marked at this time.)

3 A. Okay.

4 Q. Mr. Kranz, do you recognize this
5 document?

6 A. Yes, I do.

7 Q. What is it?

8 A. It's an e-mail from Margaret Kis to
9 myself and the other facility managers.

10 Q. And I'm trying to break down kind of
11 the form of the e-mail. It appears to be a chain.
12 The e-mail at the bottom is sent by you Friday,
13 September 29th.

14 A. Uh-huh.

15 Q. Who responded to you?

16 A. Okay. If I go up there --

17 Q. The only reason I ask is it appears
18 that you respond to yourself "FYI, thank you" and
19 I'm not sure if I'm misinterpreting.

20 A. Yes, I did. So I e-mailed that to
21 Stephen Gallant and the facilities team just to
22 let them know, to inform them.

23 Q. So you were forwarding them on your
24 prior e-mail?

25 A. On my prior e-mail to the operations

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2 team, yes.

3 Q. And then which e-mail did Margaret
4 Kis reply to?

5 A. They replied to the original one
6 which I forwarded to them.

7 Q. Did you have any communications with
8 Margaret Kis about the subject, apart from what's
9 in the text of the e-mail?

10 A. From my recollection, no, I don't
11 recall.

12 Q. We can put that aside.

13 I'm posting a document, Exhibit Kranz
14 16. It's a two-page document Bates numbered DEF
15 141 to 142.

16 (Whereupon, Kranz Exhibit 16 was
17 marked at this time.)

18 A. Okay.

19 Q. Mr. Kranz, do you recognize the
20 document?

21 A. Yes, I do.

22 Q. And I think from the formatting it's
23 again an e-mail chain, with the e-mail on the
24 first half of the first page that appears to be
25 you forwarding the prior chain to counsel; is that

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2 correct?

3 A. That's correct.

4 Q. So let's put that aside and focus on
5 the prior e-mail.

6 A. Yes.

7 Q. Have you had a chance to read what's
8 written there?

9 A. Yes, I have.

10 Q. So the e-mail is from you on October
11 16, 2017 to Ross Shadix and cc'd to other people.
12 Who are these individuals again?

13 A. They're the regional directors and
14 Ross Shadix is the regional vice president.

15 Q. The subject line is "Hot Shots for
16 insecticide in store DOH violation."

17 A. Uh-huh.

18 Q. Earlier you had mentioned that you
19 could remember there being one citation from DOH.
20 Do you believe that's what you're referring to in
21 this e-mail?

22 A. Yes, it is.

23 Q. You had been using the word
24 "citation" when we had earlier talked about this
25 incident. Is that a different term in this

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2 context than violation?

3 A. It's just a Department of Health
4 verbiage for it.

5 Q. You wrote "The DOH are hot for citing
6 Hot Shots in stores." Mr. Kranz, why did you
7 write that?

8 A. To emphasize the fact. So, again,
9 this whole e-mail was emphasizing and trying to
10 push the point that operations, you know, again
11 should be relaying the communication all the way
12 down and cascading it down from the RDs to the
13 DMs, to the store managers, to the ASMs, to the
14 shifts and get the word out. So, again, my method
15 is just using words to emphasize it and knowing
16 the Starbucks culture of what words are going to
17 work the most.

18 Q. Could I ask you to read, for the
19 record, the sentence that starts as the last
20 sentence on the first page and continues to the
21 next page.

22 A. Last sentence, "Please see attached
23 video which shows one store with nine Hot Shots on
24 top of the front of house cabinets."

25 Q. Do you know what store that was?

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2 A. Without checking it, no, I don't; but
3 I do remember that the video was sent to me
4 by -- by Jill.

5 Q. Had she sent you videos prior to this
6 one?

7 A. Jill and I were in communication
8 about Hot Shots and there were, yes, I -- I
9 believe. I don't recall how many there were or
10 what there were, but there's a good possibility
11 there were others.

12 Q. Did Ms. Shwiner send you that video
13 on October 16th or at some other prior time?

14 A. I can't tell you the exact date that
15 she sent to it me. I do remember the video,
16 though.

17 Q. And you write -- that paragraph ends,
18 "Attached is also a DOH violation for Hot Shot in
19 one of our stores." So the DOH violation was for
20 something different than what was in the video; is
21 that correct?

22 A. The video was not of the same store.

23 Q. Do you remember, now that you've been
24 thinking about it for a bit, which store was the
25 subject of the DOH violation?

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2 MR. MOY: Objection.

3 A. Without checking the inspection
4 report, I don't recall.

5 Q. Could I ask you to read the last full
6 sentence.

7 A. "Please, I ask again for our
8 partners' safety, health, and brand (protecting A
9 grade) pass on this message onto the DM, SM and
10 have them all removed."

11 Q. To the best of your knowledge, did
12 the message get passed on and lead to all of the
13 Hot Shots being removed?

14 A. To the best of my knowledge, the
15 communication was -- you know -- cascaded down. I
16 know that they were looking for Hot Shots; and the
17 district managers and regional directors when they
18 were in stores, I know they were taking it very
19 seriously.

20 Were all of them removed, I can't
21 tell you if all of them were removed because I
22 don't know if they found everything; but I know
23 they were actively looking for it and taking it
24 very seriously.

25 Q. You had mentioned before that you did

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2 not keep a log of incidents, like what days and
3 location and any information about the Hot Shots
4 being discovered in stores. As far as you know,
5 did anybody at the company keep track of that?

6 A. As far as I know no one kept track of
7 it from an exact date, time, store, no.

8 Q. Were you ever part of any
9 conversation or communication where there was any
10 discussion of perhaps designating somebody to keep
11 a log of these incidents?

12 A. No, I was not part of any
13 conversation or meeting for that. You know, just
14 to reiterate, you know, my role was coaching,
15 consulting. Operations is the one that leads the
16 stores and ensures that they're complying with
17 Starbucks standards.

18 Q. Let's put this document aside.

19 I've just posted a document, Exhibit
20 Kranz 5. It's one page, Bates DEF 4962.

21 (Whereupon, Kranz Exhibit 5 was
22 marked at this time.)

23 A. Okay.

24 Q. Mr. Kranz, do you recognize the
25 document?

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2 A. I recognize it as an e-mail and I
3 recognize that I'm cc'd on it, but I don't
4 remember this.

5 Q. Is this an e-mail that you reviewed
6 in preparation for the deposition?

7 A. In preparation -- can you please be
8 more specific?

9 Q. Do you believe that you saw this
10 e-mail more recently than when it was sent?

11 MR. MOY: Insofar as -- I'm going to
12 object. Insofar as counsel is asking the
13 witness what documents he reviewed with
14 counsel, I instruct the witness --

15 MR. GRAFF: The witness never
16 indicated he reviewed documents with counsel.

17 MR. MOY: I'm objecting to the form
18 of the question and so let me state my
19 objection to the form of the question.

20 Insofar as you are seeking -- the
21 question seeks the identity of any documents
22 that were reviewed by counsel, again insofar
23 as the witness at the direction of legal
24 counsel reviewed any documents selected and
25 complied by legal counsel, I instruct the

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2 witness not to answer and to refrain from
3 disclosing any such documents.

4 However if the witness independently
5 reviewed any documents to prepare for his
6 deposition, the witness may answer.

7 Q. Okay, Mr. Kranz, I'm going to
8 rephrase the question and then ask you if you can
9 answer the question or if you cannot answer it in
10 light of your counsel's instruction.

11 The question is; did you review this
12 document more recently than the date it was sent?

13 MR. MOY: Same objection.

14 A. I can't answer that.

15 Q. So when you said you don't remember
16 it, what did you mean?

17 A. I don't remember the incident and I
18 don't remember reading this e-mail. I know I did,
19 but I just don't remember it.

20 Q. Could I ask you to -- first, it's
21 sent by Noelle Perez. Who is she?

22 A. Noelle Perez was a facilities
23 manager.

24 Q. Who are the four individuals on the
25 "To" line?

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2 A. Laney Alfaro would have been the
3 store manager, but I'll have to double-check on
4 that. Timinit Ashebir is a district manager. Ron
5 Schuler is the regional director. Keith Costello,
6 whose cc'd here, will be the senior facility
7 manager. Then there's myself and Jasmine Onumah
8 who is the QA specialist.

9 Q. The subject line, do you understand
10 what that language means?

11 A. "7612" is the store number, "60th and
12 First" is our reference to where the store is, and
13 then it says "Tuesday evening visit."

14 Q. Could I ask you to read the second to
15 the last the paragraph of the e-mail for the
16 record.

17 A. "Over the weekend" -- and this is
18 from Noelle Perez too. "Over the weekend I was
19 also informed that the store is leaving the Raid,
20 a store-bought chemical out. This is not a
21 Starbucks approved product, at the very least
22 let's make sure we conceal it. Rami - thoughts."

23 Q. Do you have an understanding of what
24 product she's referring to as "Raid" or "the
25 Raid"?

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2 A. You would have to ask Noelle to be
3 more specific on what product she was referring
4 to. I can only guess at that.

5 Q. Is there one or two or three products
6 that come to mind just most likely when you would
7 have seen somebody refer to this?

8 MR. MOY: Objection.

9 A. So if you want my opinion on
10 it --

11 Q. Yes.

12 A. -- not knowing what Noelle was
13 discussing, I can only tell you that, you
14 know -- and, again, I wasn't brought up in the
15 country so I only know of one Raid in the country.

16 Q. Do you have any understanding
17 yourself of what she may have been trying to
18 communicate when she wrote, "This is not a
19 Starbucks approved product, at the very least
20 let's make sure we conceal it"?

21 MR. MOY: Objection.

22 A. You'll have to ask Noelle about that.
23 I'm not a hundred percent sure.

24 Q. In terms of Starbucks policy --

25 A. Yes.

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2 Q. -- is there any different
3 requirements or rule that applies if a pesticide
4 is concealed versus used openly?

5 MR. MOY: Objection.

6 A. According to Starbucks policy again
7 I'll reiterate where our store partners aren't
8 allowed to use pesticides, they should be calling
9 all problems into the FPC and allowing the pest
10 vendors to deal with that.

11 Q. Okay. So would your understanding be
12 that what Noelle Perez appears to be suggesting
13 would not be consistent with policy?

14 MR. MOY: Objection.

15 A. I'm not sure what she was suggesting.
16 You'd have to ask Noelle.

17 Q. Okay. So she wrote the words, "At
18 the very least let's make sure we conceal it" and
19 then she wrote "Rami - thoughts."

20 A. Like I don't remember the e-mail, but
21 I don't remember replying to it too so...

22 Q. Okay. So is your thought upon
23 reading this sentence that she's describing
24 something that, to your understanding, would be
25 consistent with Starbucks policy?

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2 MR. MOY: Objection.

3 A. I can't answer that because I can't
4 tell you exactly what she was thinking about that.

5 Q. I'm asking how you read the words on
6 the paper, though, because I'm --

7 MR. MOY: Objection.

8 Q. -- interested in your interpretation
9 if you had any understanding or have any
10 understanding of what she was saying; and for
11 Gary's benefit, part of the reason I'm asking
12 about that is that she says "Rami - thoughts" and
13 I'm trying to get at: What, if anything, do you
14 think about her suggestion?

15 MR. MOY: Objection.

16 A. I mean, I know she said
17 "Rami - thoughts." I don't remember replying to
18 the e-mail. I don't even really remember the
19 e-mail and I don't -- I don't know if I can answer
20 the question fully because I don't remember
21 everything. So I don't even remember what I
22 wrote, if I wrote anything.

23 Q. Do you remember having any subsequent
24 communication with anybody relating to this
25 e-mail, except your counsel?

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2 A. No, I don't.

3 MR. MOY: Objection.

4 Q. Is the use of Raid or store-bought
5 chemicals in Starbucks the kind of thing that
6 operations people would typically seek your
7 guidance for?

8 MR. MOY: Objection.

9 A. To clarify, what do you mean seek my
10 guidance?

11 Q. In your role as quality assurance
12 manager, is that the type of thing that you would
13 be an appropriate person to be a recipient of such
14 a question?

15 MR. MOY: Objection.

16 A. The answer is they wouldn't seek my
17 guidance because it's not an approved Starbucks
18 chemical and Starbucks has specifically stated
19 that stores should not be using any sort of
20 pesticides, that they should be pushing that off
21 to the pest vendors. So it's not even a question
22 of ask guidance from anyone because they won't.

23 Q. With respect to what's written here,
24 "This is not a Starbucks approved product, at the
25 very least let's make sure we conceal it, Rami -

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2 thoughts," did you interpret that as her
3 requesting guidance on that issue or not?

4 A. I'm not sure. I probably would have.
5 Again I'm assuming because I don't remember it,
6 but I probably would have reached out to get more
7 clarification on what she was saying.

8 Q. Did you at any point search your
9 records for any further information or materials
10 that might relate to this e-mail?

11 MR. MOY: Objection.

12 A. No, I haven't because I don't recall
13 it.

14 Q. Do you keep notes in a regular
15 systematic way at your job that you store?

16 A. No, I don't keep notes so -- and what
17 sort of notes are you talking about?

18 Q. So are there any writings or records
19 that you could think of that you might be able
20 to refer to that might add to your present
21 understanding and scope of information about this
22 e-mail?

23 A. I -- the only thing I could think is
24 if I could go back through my e-mails to see if I
25 replied to her. I wouldn't have any records of a

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2 phone call and the only records I have of store
3 visits usually are kept at the store with the
4 district manager.

5 Q. To the best of your memory, did you
6 at any point actually search to see if there was a
7 reply that you sent on this e-mail?

8 A. I haven't searched.

9 MR. MOY: Objection.

10 MR. GRAFF: There's an answer. It's
11 1 p.m. We had talked about lunch at this
12 point. Let's go off the record.

13 (Whereupon, a lunch break was taken
14 from 1:00 p.m. to 1:40 p.m.)

15 MR. GRAFF: Let's go back on the
16 record. It's 1:43.

17 Q. Mr. Kranz, did you communicate with
18 anybody in words or writing during the break?

19 A. I called up a friend of mine, but we
20 spoke about everything else except this.

21 Q. Did the friend who you called ever
22 work at Starbucks?

23 A. No, he doesn't.

24 Q. Did you read anything during the
25 break?

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2 A. No, I haven't read anything.

3 Q. Other than your friend, did you
4 communicate with anyone else during the break?

5 A. I spoke to my -- both my daughters
6 and just asked them how school is going.

7 Q. Are they at homeschooling or --

8 A. Yes, they are. Fully remote right
9 now.

10 Q. I'm posting an Exhibit Kranz 49. It
11 is a two-page e-mail chain produced by defendants
12 Bates numbered DEF 1914 and 1915.

13 (Whereupon, Kranz Exhibit 49 was
14 marked at this time.)

15 Q. Mr. Kranz, I'm not sure if you're
16 maybe reading to yourself a little bit out loud.
17 That's very difficult for the court reporter. I
18 apologize, if you could -- thank you.

19 A. Okay.

20 Q. Do you recognize this document or any
21 part of it?

22 A. I mean, I recognize it that I wrote
23 it, but do I remember the exact incident, no, I
24 don't recall. It was a few years ago, but I am
25 reading through it.

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2 Q. Okay. Let's start with the earliest
3 e-mail in the chain; and I'm not sure if maybe the
4 way it's formatted with successive e-mails in a
5 chain might have taken out some of the information
6 here that would normally go on the subject line,
7 so I'll point to the spot and then ask you if you
8 know what's missing.

9 MR. MOY: Objection.

10 Q. "On May 21, 2018 at 2:56 p.m. Rami
11 Kranz wrote," do you know who you sent that e-mail
12 to?

13 A. No, It's not -- I don't see any, like
14 any information there. I have no idea.

15 Q. Do you understand what subject you
16 were writing about?

17 A. No, it would help if I had that.
18 I'm -- it would help, like it would help if I had
19 the subject; that would possibly help. It would
20 also help going back to the records and see what
21 happened, you know, that day.

22 Q. Sure, and that -- that format of the
23 document is the way it was provided to us, so I
24 can't help that. When you referred a moment ago
25 that you would go back to look at something, what

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2 were you referring to?

3 A. I -- you know, I'll go back and try
4 and look in my -- my planner and see, you know, if
5 I wrote anything in there about where I was going
6 that day.

7 Q. Okay. Can I ask you to read the one
8 sentence paragraph under the last bullet on this
9 page.

10 A. "Recommending investigating possible
11 breeding source and continuing to use CB-80 to
12 ensure minimal, if not zero, flies in store."

13 Q. As you sit here today, do you have
14 any memory or information about why you wrote that
15 sentence?

16 A. No, but I -- just reading it I can
17 tell you what I was, you know, aiming at and what
18 the meaning was.

19 Q. What would that be?

20 A. So the meaning was that one
21 investigating the possible breeding source, so
22 we're trying to find where the fruit flies are
23 coming from; and then continuing to use CB-80 to
24 ensure minimal, if not zero, flies in the store,
25 that would be for the pest control to be using;

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2 that's not for our store partners. At the time
3 this was the product that I was recommending the
4 pest vendors use to knock -- know down the fruit
5 flies. It did a really good job.

6 Q. Okay, let's keep trying to
7 deconstruct the document. If we go up to the next
8 e-mail, it starts at the bottom of the first page.
9 Do you see it's May 21, 2018 at 2:06 p.m. Can you
10 read the name that's there?

11 A. Taz Mbodje.

12 MR. GRAFF: The first name for the
13 court reporter is T-A-Z, the last name
14 M-B-O-D-J-E.

15 Q. Mr. Kranz, what position did that
16 individual hold in 2018?

17 A. District manager.

18 Q. Of what district?

19 A. I couldn't tell you the district name
20 or the number of it, but the district manager.

21 Q. His e-mail also doesn't include some
22 of that standard e-mail heading lines. What he
23 writes begins, "Rami, Thank you for your thorough
24 walkthrough." Does that at all jog your memory or
25 refresh your memory about what your e-mail was

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2 about?

3 A. No. When he's talking about the
4 thorough walkthrough is the observation that I
5 wrote in the initial e-mail that we -- that we're
6 looking at. No.

7 Q. Okay. So those observations, you
8 think, would be the walkthrough that he's
9 referring to?

10 A. Yes, that would be.

11 Q. The next e-mail up is from Keith
12 Costello also May 21st, 2018. This one is at 3:16
13 p.m. to a number of individuals, cc you and some
14 individuals. Can you read the subject line on
15 that e-mail?

16 A. It says "Re: Store Number 837 QAZOH
17 orders 5/21/18."

18 Q. In the context of your work, are you
19 able to explain what that subject line means?

20 A. So what that means is that -- it can
21 mean one of two things. It can either mean we did
22 at the time of the audit or an inspection, an
23 internal one, just, you know, what we do, or it
24 was a followup to a Department of Health audit.

25 Q. If you could read through the brief

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2 text of this e-mail, just let me know when you've
3 seen it.

4 A. Seen what?

5 Q. What it says.

6 A. Read the text and see what what says?

7 Q. Just read it so that you are able to
8 see what's written there and then I'll ask you a
9 question, but I would like you to have had a
10 chance to read it first to yourself.

11 A. Okay, I read it.

12 Q. Does anything in this e-mail refresh
13 your recollection or add any information to your
14 understanding of your very first e-mail in the
15 chain?

16 A. No, it doesn't. But all I can tell
17 you is that sometimes I do get the store numbers
18 mixed up, so I may have sent it to the wrong group
19 thinking it was one number instead of another.

20 I -- you know, I see on -- on average, I can see
21 up to six stores in a day. So sometimes I may
22 type in the wrong one, so -- but it hasn't jumped
23 on what exactly this was about.

24 Q. Okay.

25 A. I can talk to you about what my

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2 observations were and I can read them and I can
3 let you know what I'm saying.

4 Q. I appreciate it. If you don't
5 remember the answer to the question I've been
6 going at, that's fine. It's only as good as your
7 memory. We can put that aside.

8 I'm posting an exhibit labeled Kranz
9 34. It's a two-page e-mail produced by plaintiff.

10 (Whereupon, Kranz Exhibit 34 was
11 marked at this time.)

12 A. Okay.

13 Q. Mr. Kranz, do you recognize all or
14 part of the document?

15 A. I do recognize my part it, yes, and
16 Jill's.

17 Q. Do you have a memory of what's
18 written here from around the time it was sent?

19 A. So I remember -- I remember writing
20 the e-mail, yes.

21 Q. Okay, if I could direct you to
22 the second page, October 15, 2017 from
23 Jillavptermite@aol.com. She writes "Rami, my
24 service manager just sent me a pic of a DDVP strip
25 that was placed in the fly light. I myself came

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2 across two in the past two nights while inspecting
3 under counter cabinets and were inches from my
4 face. When you get a moment tomorrow, if you
5 could give me a call. Thank you."

6 Mr. Kranz, do you remember having a
7 subsequent conversation with Ms. Shwiner about
8 this e-mail?

9 A. I don't recall the -- the phone
10 conversations I've had with Jill and I don't
11 recall this one in particular.

12 Q. Do you have any information about the
13 fly -- the Hot Shot in a fly light that she refers
14 to?

15 A. No more than what's -- than what's
16 stated in the e-mail.

17 Q. When she writes that she came across
18 two in the past two nights, do you know what store
19 she's referring to?

20 A. Not at all. You'll have to ask Jill.

21 Q. Did you ask Jill?

22 A. I don't recall if I called her or
23 not. If I did, I probably would have.

24 Q. Let's go to your e-mail responding to
25 the one we were just looking at on October 16,

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2 2017, 5:42 a.m., "Subject: Re: Dichlorvos Strips.

3 Mr. Kranz, do you believe that you would have sent
4 it at that time, 5:42 a.m.; does that make sense?

5 MR. MOY: Objection.

6 A. Yes.

7 Q. Can I ask you to read the body of
8 your e-mail.

9 A. Certainly. So it says "Hi, Jill.
10 I'll call you around 10. Which stores had these
11 in them? I sent out the e-mail to all the last
12 time you asked and I mentioned it during my
13 leadership presentation to Ross and the regional
14 directors just last week. I can have another talk
15 with the team and stress the importance of
16 breaking this habit."

17 Q. Why did she -- I'm sorry, did
18 someone --

19 A. No, that was the end of it words
20 missing.

21 Q. Okay, I couldn't tell if Gary was
22 saying something.

23 MR. MOY: No, I'm sorry, if I made
24 any sounds.

25 Q. Mr. Kranz, what were you referring to

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2 in that last sentence?

3 A. The last sentence?

4 Q. Yes.

5 A. I was referring to I'll talk to the
6 team again, stress the importance, right, that
7 none of our partners should be using pest strips
8 at all.

9 Q. When you wrote "The importance of
10 breaking this habit," what's the habit?

11 A. It was just a phrase that I was
12 using. So I wasn't referring to anything and I
13 certainly wasn't referring to, you know, us
14 overusing or underusing or -- it was just a phrase
15 that I used.

16 Q. And what information were you
17 intending to communicate by that choice of word?

18 A. So the intention was just to stress
19 to Jill, right, that we are taking this very
20 seriously, right, and that not only have I had,
21 you know, multiple meetings right, with, the
22 leadership teams, that I was going to continue
23 doing it and we're going to continue stressing the
24 importance of this.

25 Q. So when you wrote "stress the

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2 importance of breaking this habit," what is it
3 that you were going to stress the importance of?

4 A. Just the importance of our partners
5 should not be using any pesticides.

6 Q. Is that what you were referring to by
7 "this habit," the use of pesticides by Starbucks
8 employees?

9 A. No, I was just using that as a phrase
10 that I use, but not referring or -- to, you know,
11 anything else.

12 Q. When you used the phrase, did you
13 intend it to impart information to the reader?

14 A. No more --

15 MR. MOY: Objection.

16 A. No more than just stressing the
17 importance of it.

18 Q. What does habit mean to you? You
19 said it's a phrase that you used.

20 MR. MOY: Objection.

21 A. So that phrase was just another way
22 of me saying nowhere seeing it in stores.

23 Q. So when you used the word "habit" or
24 the phrase "this habit," do you have some type of
25 meaning that's different than the ordinary usage

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2 or dictionary meaning that it holds for you --

3 MR. MOY: Objection.

4 Q. -- personally?

5 MR. MOY: Objection.

6 A. Again, it was just a phrase that I
7 was using. It was not meant to -- meant to mean
8 anything else, you know, no other meaning. It was
9 just letting Jill know that I was going to be
10 talking to the leadership team and that we're
11 taking it very seriously.

12 Q. What, if anything, did you do in
13 connection with this after you sent the e-mail?

14 MR. MOY: Objection.

15 A. So again at the leadership team
16 meetings on Monday, you know, I mentioned it to
17 them. Ross again reiterated the importance of it.
18 The regional directors, you know, again agreed
19 and, you know, understood the importance of it;
20 and also agreed to continue talking to their team
21 and cas -- cascade it all the way down the barista
22 level.

23 Q. What, if anything, to your
24 understanding was done that had not already been
25 done before by you or the leadership team in

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2 connection with this e-mail?

3 MR. MOY: Objection.

4 Q. I can ask the question differently.

5 Back to the last sentence that you wrote that
6 we've been looking at, at the beginning it says "I
7 can have another talk with the team and stress the
8 importance of breaking this habit." Had you
9 previously had a talk with the team where you
10 stressed the importance of not using Hot Shots?

11 A. I had previously talked to the team
12 about stressing the importance, right, of not
13 using any pesticides, yes.

14 Q. How many times prior to this had you
15 had such discussions with the team?

16 A. I couldn't recall an exact number,
17 but it had been multiple times.

18 Q. Would you be able to say if it was
19 more or less than ten?

20 A. I'll be guessing --

21 MR. MOY: Objection.

22 Rami, give me an opportunity to
23 object.

24 THE WITNESS: Sorry.

25 MR. MOY: All right, go on.

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2 Q. Would you be able to say if it's more
3 or less than a hundred?

4 MR. MOY: Objection.

5 A. Again, I'll be guessing. I can't say
6 a number.

7 Q. Do you believe that it was more than
8 five?

9 MR. MOY: Objection.

10 A. I believe it was multiple times.

11 Q. Do you believe it was twice?

12 MR. MOY: Objection.

13 A. Again, I -- I can't give you an exact
14 number because that's going to be a guess.

15 Q. Did you have in mind that this
16 anticipated next discussion with the talk with the
17 team again was going to be different in content
18 than your prior discussions?

19 MR. MOY: Objection.

20 A. What do you mean by "different in
21 content"?

22 Q. When you spoke with the team, were
23 you going to tell them something different from
24 what you had previously told them?

25 MR. MOY: Objection.

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2 A. Nothing different, just reiterating
3 the importance of it and reiterating the
4 importance of cascading it down to that their team
5 and getting the communications down to everyone
6 and ensuring that everyone understood.

7 Q. So on the multiple prior occasions
8 when you had the discussion, was it your
9 understanding that the information was pushed down
10 cascading to the teams and understood?

11 A. Not only was it understood by me, but
12 I'd also personally seen it too.

13 Q. Other than what's written here, did
14 you have any further followup with Ms. Shwiner
15 about this issue?

16 MR. MOY: Objection.

17 A. Again, it's a possibility because I
18 spoke with Ms. Shwiner numerous times over the
19 phone. Not just always through e-mail, sometimes
20 even texts as well. So I can't tell you what
21 followup I had with this, but I'm sure there was
22 some.

23 Q. Is there anything else beyond what
24 you did that you believe you could have done to
25 address the ongoing recurrence of Hot Shots in the

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2 stores?

3 MR. MOY: Objection.

4 A. So in my role and responsibility I
5 believe that I was doing everything that I could,
6 okay, in my power at Starbucks to communicate, to
7 coach, to consult the operations team.

8 Q. Do you believe that the operations
9 team should have done anything different or
10 additional beyond what it did to address the
11 problem?

12 MR. MOY: Objection.

13 A. Again, I can't talk about the
14 operations team because I wasn't privy to
15 everything that they did.

16 Q. When you had another discussion with
17 the operations team about the subject, did you ask
18 them to look into how it was that Hot Shots were
19 becoming present in their stores, if any were
20 present?

21 A. So during our conversations we
22 reiterated that AVP and specifically Jill, right,
23 had contacted me, right, and we reiterated the
24 importance of our partners following our
25 standards.

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2 Q. Did you ever personally feel any
3 glimmer of a doubt that perhaps the message you
4 were communicating was not being understood by the
5 operations people you were communicating it to?

6 MR. MOY: Objection.

7 A. So being a part of the leadership
8 team meetings, there was no doubt in my mind that
9 the regional vice president and the regional
10 director understood the importance, right, and
11 acted upon that importance.

12 Q. And in terms of what actions they
13 took, do you have any information that you haven't
14 already shared?

15 A. No. So the action that I can talk
16 about is only the action that I observed, which
17 was the invitations to the regional directors
18 huddle with the district managers where they
19 reiterated the importance of it. Then the
20 district managers huddles with their store
21 managers where they reiterated the importance and
22 the store manager huddles to the shift
23 supervisors. Outside of that, I -- I can't tell
24 you what other actions they took.

25 Q. Posting a document, Kranz 17, it's a

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2 three-page e-mail chain bearing Bates numbers DEF
3 151 through 153.

4 (Whereupon, Kranz Exhibit 17 was
5 marked at this time.)

6 A. Okay.

7 Q. Mr. Kranz, if you could please, let
8 me know when you've had a chance to review the
9 document and then I'll begin questions.

10 A. I'm ready.

11 Q. Do you recognize all or any part of
12 this document?

13 A. Yes, I do.

14 Q. What is it?

15 A. This was an e-mail that Tracy sent me
16 after the New York Metro leadership team meeting
17 where I presented, and she had to drop off a
18 (unintelligible). I believe it was ten, fifteen
19 minutes, so she missed some of it; and Tracy's
20 e-mail was just asking me if I had actually
21 elaborated on the information that I spoke with
22 her during our one-on-one conversation.

23 Q. And what is the weekly meeting that's
24 referred to here?

25 A. So it's a New York Metro leadership

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2 team meeting. So it's the weekly meeting that the
3 leadership team gathers around.

4 Q. And I think we've touched on it, but
5 could you by position identify the participants in
6 a normal weekly leadership meeting?

7 A. Yes. Back when Ross was in charge
8 and the regional vice president it was the
9 regional directors, it was QA, and sometimes
10 facilities. When Tracy came onboard, she also put
11 in a lot of the other cross-functional teams so
12 there was design, there was construction, there
13 was real estate, facilities was there, QA was
14 there, the PNAP was there; so -- yep.

15 Q. And the format for these meetings
16 would typically be a conference call or something
17 else?

18 A. No, it was a in-person meeting, but
19 it could also be -- you could also dial in.

20 Q. In connection with this specific
21 meeting, were you in person or on the phone?

22 A. I was on the phone with this.

23 Q. Did you have a pre-drafted list of
24 points or talking points or notes about what you
25 were going to say on the call on this subject?

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2 A. I believe I did, yes.

3 Q. If -- when you refer -- sorry. On
4 the e-mail on the first page on the second half
5 from you to Tracy Gaven-Bridgeman on January 23rd,
6 2018, when you write "I did elaborate during the
7 call" and then you put these bullet points, is it
8 your testimony these bullet points are a summary
9 of what you communicated orally during the call?

10 A. My testimony will be that this is a
11 summary of the highlights of some of the things
12 that I mentioned during the call, not everything.

13 Q. How -- in terms of the organization
14 or that agenda for the meetings do you have a
15 regular speaking slot, is there a particular role
16 that you play in addressing the group?

17 A. So this is a new -- so this is a
18 leadership team meeting, so they do a business
19 update and then everyone -- they do a round-robin,
20 so everyone gets a chance to talk.

21 Q. And would this have been -- would
22 this have been something that you communicated to
23 the group during your slot to speak in the
24 rotation?

25 A. Yes, it would have.

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2 Q. How long do you believe it took you
3 to communicate this on the phone?

4 A. I believe I took about fifteen
5 minutes.

6 Q. In the bullet points, I would like to
7 just focus in on a couple of them. The third,
8 could I ask you to read what's -- what you wrote
9 there.

10 A. "Partners have been abusing Hot Shots
11 in the stores using up to ten Hot Shots on top of
12 the menu board counters."

13 Q. Earlier we had seen an e-mail that
14 referred to what -- that referred to nine or more
15 Hot Shots on a counter, is that what you were
16 referring to here?

17 A. If we can be specific, that was
18 Jill's e-mail that referred to nine Hot Shots on
19 the counter; only not nine or more.

20 Q. So when you wrote up to ten on top of
21 the menu board, what were you referring to?

22 A. I was referring to that e-mail. I
23 just obviously made a mistake.

24 Q. The beginning of the sentence you
25 wrote, "Partners have been abusing Hot Shots in

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2 stores." Did you have in mind anything, other
3 than the one example that you go on to give in
4 that sentence.

5 MR. MOY: Objection.

6 A. Unless I look through my notes and,
7 you know, what I mention there, I can't recall
8 exactly what examples I used.

9 Q. Could I ask you to read the second to
10 the last bullet point on that page.

11 A. "This is a serious condition that can
12 cause food cross-contamination and food illness."

13 Q. Thank you, and then going up to the
14 prior page, could I ask you to please read the
15 second to the last bullet on -- at the bottom of
16 that page.

17 A. Second to the last?

18 Q. Yes, on that first page.

19 A. Yes. Okay. "This would be discussed
20 a few times before and the situation was
21 improving."

22 Q. What are you referring to in that
23 sentence.

24 A. So I'm referring to the communication
25 that I had been giving the leadership team

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2 regarding the use of pesticides; and obviously at
3 that time I had not been hearing of the, you know,
4 Hot Shots or other pesticides being used, so my
5 opinion was that it was improving.

6 Q. During what period of time did you
7 believe that it was improving versus being
8 constant or getting worse, like what is the date
9 range of time that you're referring to, if you're
10 able to express it that way in the sentence?

11 MR. MOY: Objection.

12 A. So the date would be the first time
13 Jill brought it to our attention to that
14 particular time.

15 Q. Do you remember what month or year
16 Jill first brought it to your attention?

17 A. I remember it being 2016.

18 Q. So from 2016 until January 23rd,
19 2018, do you believe that the situation with Hot
20 Shot use was improving in stores?

21 A. From my notes here, yes.

22 Q. And that's based on reports or
23 information communicated to you about the
24 existence of Hot Shots in stores?

25 A. What reports are you referring to?

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2 Q. I'll ask a different question.

3 Just -- I just want to be clear when it was your
4 perception that from the first time Jill brought
5 it to your attention through January 23rd, 2018
6 that the situation had been improving, what is
7 your source of information for that conclusion?

8 A. My source of information was the fact
9 that I wasn't being notified anymore about that
10 and not that they weren't notifying me, I hadn't
11 heard anything. So that's why I said the
12 situation seems to be improving.

13 Q. When you say you hadn't heard
14 anything, more specifically haven't heard anything
15 about what from whom?

16 A. I hadn't been notified about
17 any -- any unauthorized, you know, chemical use in
18 a store.

19 Q. Could I ask you about the last bullet
20 on the first page. Could you please read it for
21 the record.

22 A. "Unfortunately, pest control recently
23 found a Hot Shot located in the pastry case under
24 the bagels."

25 Q. Do you have any information, beyond

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2 what's written there, about that incident?

3 A. I don't remember the store, but I do
4 remember the photo.

5 Q. Was there any investigation or
6 inquiry made of anybody to determine how in the
7 heck a Hot Shot got into the pastry case under the
8 bagels?

9 A. Again, that's a --

10 MR. MOY: Objection.

11 A. Sorry. Again, that's operations and
12 I don't have privy. I'm not privy to that
13 information.

14 Q. Do you have any information at all
15 about how there came to be a Hot Shot under the
16 bagels in the pastry case, as you've described it
17 there?

18 A. No, I don't.

19 Q. And I know you've referred to
20 operations and I appreciate it's not your job, but
21 to the extent that you have any understanding at
22 all is there a particular position level or
23 individual in operations who you believe was the
24 most responsible for overseeing the operations
25 side based on your reports?

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2 MR. MOY: Objection.

3 A. So the regional vice president is in
4 charge of the whole region. So if there's one
5 person that's in charge of what's going on in the
6 region, then that's the person.

7 Q. Did anybody make any comments or ask
8 any questions when you presented on this issue
9 during the meeting?

10 A. I'm sure they did, but I don't
11 remember what the comments or questions were. It
12 was two years ago.

13 Q. Have you ever been present for any
14 communication where it was discussed what actions
15 operations would take to resolve the issue?

16 A. The only -- the only time I was
17 present was during a New York, you know,
18 leadership team meeting where the regional
19 directors -- you know, where the regional
20 directors said that they'll communicate and
21 cascade that message down and they kept
22 reiterating the importance of it.

23 Q. And was that also that course of
24 action that was discussed when you presented at
25 this meeting?

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2 A. I don't remember if we discussed it
3 there at this specific meeting or not.

4 Q. I have a question just about the
5 e-mail footer in your forwarding e-mail to
6 opposing counsel. It says "company counsel" on
7 top. The title there for you is "Manager, Quality
8 Assurance, New York Metro and New Jersey region."
9 Was that the title throughout your tenure or did
10 it change at some point?

11 A. It changed. So when I was promoted
12 in Starbucks, when you put manager first and then
13 quality assurance second, that manager then notes
14 that you're a people manager.

15 Q. Did any of the -- withdrawn.
16 Could you confirm, what was Tracy
17 Gavin-Bridgeman's position at the time?

18 A. She was the regional vice president.

19 Q. Is there a reason why you cc'd all of
20 the other individuals who you included in your
21 e-mail to Tracy?

22 A. Yes, because the e-mails. Sorry,
23 Tracy's e-mails to me cc'd everyone.

24 Q. Did any of the individuals who are
25 listed as cc's there follow up or communicate with

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2 you at all about the subject of the e-mail?

3 A. Not that I can recall; and if there
4 isn't any other pages to this, then I would say
5 no. Again my -- my e-mail was to Tracy just
6 to -- just to let her know what I discussed at the
7 New York Metro leadership team meeting with
8 everyone that was cc'd, so they were already there
9 for it.

10 Q. So apart from in response to this
11 e-mail -- I'll ask differently. After that
12 meeting that's summarized in this e-mail, did any
13 of the participants ever follow up with any
14 questions or followup information in response to
15 your presentation?

16 A. Not that I recall.

17 Q. One of the individuals listed as a cc
18 here is Carla Ruffin. Were you familiar with her?

19 A. Yes.

20 Q. What was her position?

21 A. Carla was the regional director.

22 Q. Did you ever communicate with Ms.
23 Ruffin about Hot Shots or pesticides in any kind
24 of one-on-one communications separate from these
25 group meetings?

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2 A. Yes. So during my one on ones I
3 reiterated the same a message that I had at the
4 New York Metro leadership meeting; not all of
5 these points specifically, but specifically just
6 be aware of, you know, past usage and be aware in
7 stores, and keep the message alive and keep it
8 important with the district managers and store
9 managers and ASMs and shifts.

10 Q. Do you know what number, if any, Hot
11 Shot devices were located in Carla Ruffin's region
12 during your tenure?

13 A. I didn't keep any reports and I
14 didn't keep any track of Hot Shots, not stores nor
15 where they were, so I -- I couldn't give you a
16 number.

17 Q. As far as you know, did anybody at
18 the company in any form keep track?

19 A. As far as I know, no.

20 Q. You can put this document aside.
21 Posting a two-page document labeled
22 "Exhibit Kranz 45, Bates numbered DEF 144, 145.

23 (Whereupon, Kranz Exhibit 45 was
24 marked at this time.)

25 A. Okay, I'm ready.

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Q. Mr. Kranz, this appears to be an e-mail chain comprised of only two e-mails. The e-mail at the top again looks like it's a forward of the original e-mail by you to the company's counsel in February, 2019; is that a correct interpretation of the document?

A. Yes, it is.

Q. So focusing on the e-mail below that, who was Ron Schuler at the time that you wrote this January 23rd, 2018?

A. Ron Schuler was a regional director.

Q. And who was Taz Mbodje at that time?

A. District manager.

Q. The subject line is "Hot Shot in Pastry Case Number 28168. Why did you write this e-mail to those two individuals?

A. So obviously the Store Number 28168 is in Ron's district and he has a -- this district as well.

Q. Can I ask you to please read the text of your short e-mail for the record.

A. It says "Hi, Ron: A Hot Shot was found in the pastry case under the bagels in store numbered 28168. Please advise team that Hot Shots

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2 are insecticides and can cause foodborne illness
3 if located near food items" and then just says
4 "Thank you."

5 Q. When you in that last sentence asked
6 him to advise the team that information, is that
7 something that you had already urged regional and
8 district managers to pass along to their team?

9 MR. MOY: Objection.

10 A. No, it wasn't. So my communication
11 with the regional directors and the regional vice
12 president and the leadership team was more about
13 the Starbucks policy about not using any
14 pesticides and following the Starbucks standards.

15 This sentence of "Please advise team
16 that Hot Shots are insecticides and can cause
17 foodborne illness if located near food items,"
18 that was me emphasizing the point with Ron and
19 Taz, Starbucks counter food is a part of safety
20 and is very high in the culture. It's in the
21 mission statement, it's part of, you know, our
22 whole culture and using that statement was just a
23 way to emphasize it more with them.

24 Q. Have you -- okay. So previously
25 prior to this e-mail, had you communicated to Mr.

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2 Schuler that "Hot Shots are insecticides and can
3 cause foodborne illness if located near food
4 items"?

5 A. I'm sure that previously I would have
6 probably during a one on one. I'm not sure if I
7 did it in other e-mails, but yes. You know it was
8 a way of me emphasizing the importance to them.

9 Q. And is that something you had also
10 previously communicated to Taz Mbodje?

11 A. If I talked with Taz before this
12 then, yes, it would have been; so but during our
13 one on one with the district managers, that's
14 something that I probably would have mentioned to
15 them, again, to emphasize the importance of it on
16 the inside.

17 Q. What is the source of your
18 information or knowledge of the statement that
19 "Hot Shots can cause foodborne illness if located
20 near food items"? Where did you learn that?

21 A. Well, so that's just
22 cross-contamination what we're talking about here
23 or what I'm talking about here. So if there is
24 any chance of cross-contamination happening then,
25 yes, it can -- can cause a foodborne illness.

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2 Q. Did you ever ask anybody anything or
3 take any action to determine whether there had
4 been cross-contamination, as referenced here, in
5 any stores?

6 A. There was no incident that I'm aware
7 of any of any of our partners being ill or feeling
8 any ill effects.

9 Q. Were partners ever asked purposefully
10 hey, do you feel ill, you might have been exposed
11 to something?

12 MR. MOY: Objection.

13 A. Again, I'm not aware of that and,
14 again, it wouldn't have been my role or
15 responsibility for them to report to me that.

16 Q. Do you know one way or another, as
17 you sit here today, whether any partners have
18 become ill in connection with Hot Shots?

19 A. As of -- as I said before, I'm not
20 aware of anyone being ill from anything in our
21 stores related to pesticide use.

22 Q. Is that information that you expect
23 would have been shared with you if it had ever
24 found to -- have been found to be true?

25 A. It's a possibility that it could be

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2 shared with me, but it may not have been either.

3 Q. Did you ever yourself investigate or
4 direct anybody else to investigate whether the
5 manner in which Hot Shots had been placed in any
6 store did or did not cause cross-contamination?

7 MR. MOY: Objection.

8 A. It was -- there's been no cases of
9 cross-contamination nor pesticides in any of our
10 stores so there was no investigation, there was
11 nothing needed.

12 Q. How do you know that there wasn't
13 cross-contamination if there was no investigation
14 to ascertain whether there might have been?

15 A. That is part of my role and
16 responsibility and I would have been informed
17 about that.

18 Q. I just want to be clear, I'm
19 trying -- maybe I'm not asking the question
20 clearly. I understood cross-contamination is when
21 a chemical moves from one place into something
22 nearby it, is that how you're using the phrase?

23 A. Cross-contamination will be when a
24 product is contaminated with another product.

25 Q. How do you determine whether that

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2 contamination has occurred?

3 A. Usually we'll --

4 MR. MOY: Objection.

5 A. Well, first of all, it hasn't
6 occurred; but how -- how do I get notified?

7 Q. I'll ask differently.

8 A. Okay.

9 Q. In general, how is it possible to
10 determine whether a particular food item has been
11 cross-contaminated by a Hot Shot; How would one go
12 about determining if that had happened or not?

13 MR. MOY: Objection.

14 A. You -- you need to be a little more
15 specific on that because -- are you asking how do
16 I determine if I'm looking at a product if it's
17 been contaminated.

18 Q. Yes, yeah. What are the means of
19 determining whether a product is contaminated that
20 you're familiar with?

21 MR. MOY: Objection.

22 A. So, okay, if a product is in close
23 proximity, right, of the pesticides where there's
24 a chance that it can cross-contaminate it then,
25 yes, you can figure out that this product may have

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2 been cross-contaminated; but that's not what we
3 were talking before.

4 So we -- we were discussing, you
5 know, how I'd get notified or how do I find out,
6 and that's usually through the Department of
7 Health and the Department of Health finds out
8 through the medical doctors. So if someone is ill
9 and they go to a doctor, they determine what
10 happened, they then have to report that to the
11 Department of Health and that comes across my desk
12 and that's my role and responsibility.

13 Q. As far as you know, were customers
14 ever notified that they may have been exposed to
15 DDVP at Starbucks?

16 MR. MOY: Objection.

17 A. Again, that's not my responsibility I
18 don't deal with customers at all.

19 Q. Other than getting reports of
20 illness, are there other methods that you're
21 familiar with from your training or experience at
22 Starbucks for determining whether a particular
23 food item has been cross-contaminated?

24 A. No.

25 Q. Is there any reason to imagine that

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2 Hot Shots in Starbucks stores if placed in close
3 proximity to food would not result in
4 cross-contamination?

5 MR. MOY: Objection.

6 A. I need more clarity on that, please.

7 Q. You had mentioned that generally if
8 two items are close to each other, then you can
9 infer that there may have been
10 cross-contamination?

11 A. Correct.

12 Q. As far as you know, were Hot Shots
13 ever placed in Starbucks stores in a method that
14 would prevent cross-contamination?

15 MR. MOY: Objection.

16 A. What do you mean by "prevent
17 cross-contamination"?

18 Q. Eliminate the concern or inference
19 that cross-contamination may have occurred.

20 MR. MOY: Objection.

21 A. Just to clarify, are you asking me if
22 I've seen a Hot Shot placed in a store that
23 wouldn't cross-contaminate any food?

24 Q. Yes.

25 A. Then, yes, I have.

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2 Q. Where have you seen Hot Shots in
3 stores in a way that would not risk
4 cross-contamination with food?

5 A. I've seen them in the back of house
6 on top of the double-door refrigerator.

7 Q. For people who aren't intimately
8 familiar with the layout of the Starbucks, could
9 you explain where in the store that would be?

10 A. The back of house?

11 Q. And the refrigerators that you're
12 referring to, yes.

13 A. They're double-door refrigerators
14 probably about six-and-a-half foot tall.

15 Q. And where are they in the back of
16 house area?

17 A. They're --

18 MR. MOY: Objection.

19 A. It's -- you can't give -- I can't
20 give you a specific spot because every store
21 layout is different.

22 Q. In this specific instance when you
23 saw Hot Shots in that location back of house on
24 top of the refrigerators double-doors.

25 A. Okay, so that one was -- I don't

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2 remember the exact store, but I do remember it
3 wasn't next to the manager's desk. It wasn't next
4 to the three-comp sink as well.

5 Q. How far was it from the manager's
6 desk?

7 A. I didn't measure it, but it wasn't
8 close enough.

9 Q. Do employees work in the back of
10 house?

11 A. No. So they do some prep area, but
12 their work is actually the front of house.

13 Q. How far from back of house in terms
14 of feet or yards at this location?

15 A. I can only guess. I didn't measure
16 anything.

17 Q. How many Hot Shots did you see on
18 that occasion?

19 A. One.

20 Q. Is that something you saw in person
21 while you were physically present or a photograph?

22 A. I believe it's something that I found
23 physically.

24 Q. Do you remember when that happened?

25 A. I don't remember the date, time, or

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store number.

Q. What, if anything, did you do if you remember once you saw that it was there?

A. Well, I notified the leadership teams. I notified the RVP and the regional directors, the district manager would have been right with me and I disposed of it; and from my memory, I believe it was also, you know, an older Hot Shot. I can't tell you how old, but it was very dusty.

Q. If you remember earlier in the deposition you had referred to one instance when you had found an old Hot Shot, is this one and the same or two instances?

A. I think the last one -- this could be the last one. Two instances; two separate.

Q. You can put aside Exhibit 45.

MR. GRAFF: Why don't we take a short break, it's 2:36. Let's come back at 2:45.
Off the record.

(Whereupon, there was a brief recess in the proceedings.)

MR. GRAFF: Let's go back on the record, 2:47.

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2 Q. Mr. Kranz, during the break did you
3 communicate with anyone other than counsel?

4 A. No, I didn't.

5 Q. Did you read anything?

6 A. No, I haven't.

7 Q. Earlier we had been talking about
8 illness that could result from cross-contamination
9 of food and DDVP. Do you have any knowledge or
10 understanding of what sort of symptoms or
11 manifestations an illness caused by that exposure
12 might take?

13 MR. MOY: Objection.

14 A. So for cross-contamination of food
15 no, I don't. I can only tell you from -- from an
16 EMT what organophosphate looks like.

17 Q. Could you the explain that please?

18 A. We got taught the acronym SLUDGEM,
19 S-L-U-D-G-E-M, for organophosphate poisoning; and
20 then we also got taught that the antidote or the
21 -- or the treatment would be Atropine, 2
22 milligrams IVIN.

23 Q. As far as you know, could DDVP
24 trigger an asthma attack in an asthmatic if they
25 were exposed?

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2 MR. MOY: Objection.

3 A. As far as I know, I don't -- unless I
4 read the label, I don't recall ever hearing that.

5 Q. Are you familiar with something
6 called an HHCP manual in Stores?

7 A. A HHCP manual?

8 Q. Yes.

9 A. No.

10 Q. The SLGM acronym, what does that
11 refer to?

12 A. So what acronym?

13 MR. MOY: Objection.

14 Q. The SLUDGEM acronym in connection.

15 A. SLUDGEM.

16 Q. SLUDGEM.

17 A. Salivation, lacrimation, urination,
18 defecation, gastric emesis and miosis.

19 Q. If I could refer you back to a prior
20 exhibit, Exhibit 13 for just a moment.

21 A. Yes.

22 Q. If you need to take a second to
23 remind yourself what this is, let me know.

24 A. Okay.

25 Q. Why did you write "My apologies to

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2 the tech" in your response to Ms. Shwiner's
3 e-mail?

4 A. I was being nice. So Jill said that
5 the tech had found No-Pest Strip on the desk. She
6 also mentioned that yesterday's tech was working
7 under the counter and turned and his head was
8 inches from the strip. She was complaining about
9 it and she was obviously upset, that I gathered
10 from the e-mail that she sent me. So I thought it
11 was appropriate to apologize.

12 Q. Were you aware at the time -- in
13 Jill's e-mail she writes "This is the same tech
14 who two weeks ago walked into a store that had
15 just set off bombs." Do you know the identity of
16 the tech, who she's referring to?

17 A. I -- no, I don't believe I do. She
18 didn't mention it.

19 Q. You can put that aside.

20 A. Okay.

21 Q. I posted a document labeled Exhibit
22 Kranz 3. It's one page Bates numbered 29994.

23 (Whereupon, Kranz Exhibit 3 was
24 marked at this time.)

25 A. Okay.

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2 Q. Do you recognize any of this
3 document?

4 A. I don't remember the specific
5 incident, no.

6 Q. Do you recognize the form of the
7 document as an e-mail chain that you are copied on
8 and responded to?

9 A. Yes.

10 Q. I would like to direct your attention
11 toward the bottom of the page. The first e-mail
12 in the sequence is from Kimberly Healy on January
13 19, 2018 to you and the three other individuals,
14 "Subject: Hot Shot Citing." Do you see that part
15 of the document?

16 A. Yes, I do.

17 Q. Who was Kimberly Healy at the time?

18 A. She was a facility manager.

19 Q. Do you know who she reported to?

20 A. She reported to Stephen at the time.

21 Q. Could you state his full name just,
22 so the record is clear?

23 A. Stephen Gallant.

24 Q. Do you believe you read the e-mail at
25 the time or around the time it was sent?

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2 A. If I read the e-mail? Yes, I would
3 have read the e-mail. I don't see it, though.

4 Q. Do you know if you -- could I ask you
5 to read the sentence, the longer sentence, that
6 makes the body of her e-mail. It has some jargon.
7 I'll ask you if you can explain what the words
8 mean.

9 A. "In addition to the 3 - DRs reaching
10 fridge, missing its top cover, having excessive
11 buildup and debris, five Hot Shots found. Also
12 found another two in the base of the hot water
13 heater. (Jasmine similar to 7465, 59th and
14 Columbus with Carey)."

15 Q. Do you have an understanding of what
16 she's describing as far as "two in the base of the
17 hot water heater"?

18 A. Again, I'm -- I'm not Kim and I can't
19 tell you what she was thinking when she was
20 writing it. I can just explain, you know -- from
21 my point of view, you know, I could tell you what
22 I'm thinking, but I can't tell you what Kim's
23 thinking.

24 Q. Sure. When you see those words, what
25 do they mean to you?

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2 A. So the hot water heaters have like a
3 metal lip around them, almost like a basin; you
4 know, it's a two-inch basin in case it leaks. I'm
5 assuming that Kim meant that it was in the base of
6 that hot water heater, but again I'm not Kim and I
7 don't know what she was thinking when she wrote
8 it.

9 Q. Did you ever have any followup
10 communications with Ms. Healy, other than what's
11 in this e-mail?

12 A. I don't remember. I don't even
13 remember like the e-mail being sent out until you
14 just showed me now.

15 Q. Right above that part that you read
16 it says, "Sharing M - Rockefeller Concourse."
17 Does that mean anything to you in the context of
18 Starbucks?

19 A. Yes -- so, well, Rockefeller
20 Concourse is one of our stores.

21 Q. Is sharing a store or --

22 A. So sharing is not a store.

23 Q. Okay.

24 A. So, you know, again, you know, just
25 to -- I could tell you what I took from that, but

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2 not what Kim was writing up; but sharing is the
3 sharing her thoughts on the business from
4 Rockefeller Center.

5 Q. Thank you. Thank you. I wasn't sure
6 if sharing meant something beyond that.

7 A. No.

8 Q. In the parenthetical at the end of
9 the sentence that she writes she says, "(Jasmine
10 similar to" I guess the store number and address.
11 Do you have any information about what she's
12 referring to there, is the reference familiar?

13 A. This reference isn't jogging my
14 memory, but again, you know, it's -- it's over two
15 years ago now.

16 Q. Apart from what's in this e-mail, did
17 you ever give any direction to Ms. Healy or
18 anybody in facilities about how to handle Hot
19 Shots if they discovered them?

20 MR. MOY: Objection.

21 A. So again, you know, I've been asked,
22 you know, by some of the -- again, I can't, you
23 know, remember who exactly, you know, a safe way
24 of disposing of them. So my personal opinion was
25 to -- like I mentioned prior, was to grab a

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2 rubbish bag, invert it, grab the Hot Shot, pull it
3 through, tie a knot and dispose of it in the
4 rubbish bin.

5 Q. It appears that Ms. Healy sent a
6 followup e-mail on April 13th at 7:40 p.m. and
7 that you then responded to her followup e-mail; is
8 that how you're reading the chain?

9 MR. MOY: Objection.

10 Q. Another way to ask it: Your e-mail
11 at the top of the page to, what e-mail below were
12 you responding?

13 A. So, yup, I was responding back to
14 Kim, Kim Healy.

15 Q. What did you write?

16 A. I wrote "Thank you, Kim. I'll
17 discuss with leadership team."

18 Q. Did you discuss it with the
19 leadership team?

20 A. Yes. If I said to Kim I'll discuss
21 it then, yes, I would have.

22 Q. Do you know whether the leadership
23 team or any members of the leadership team decided
24 to take any action based on the information?

25 MR. MOY: Objection.

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A. Again, you know, I'm the consultant, I'm the coach. That's -- you know, that's not my role and responsibility. That was the regional vice president, the regional director's, role and responsibilities, to ensure that our standards are upheld. So after I give them the information and after I coach them, right, they do take that, but what they do with it specifically I don't know because I wasn't privy.

Q. In connection with the weekly leadership team meetings, is there a written agenda that's distributed in connection with the meeting?

A. No, there isn't.

Q. Is there a meeting summary that gets circulated after the meeting?

A. No, there isn't.

Q. If you wanted to determine with certainty the dates of meetings when you addressed that pest use concerns, would there be any document or source that you could refer to for that information?

A. No, there wouldn't; and I can tell you that at that period from -- you know, from the

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2 time that Jill sent me the first e-mail that on a
3 regular basis, almost weekly, I was discussing it
4 in the leadership team meetings, just keeping it
5 at the forefront of everyone's mind. Even though
6 the leadership team already knew about it and even
7 though they were already discussing it and
8 communicating with their team that I saw, you
9 know, myself, you know, I said -- I still kept
10 talking about it and discussing it.

11 Q. Was it your impression that whatever
12 the leadership team was doing, I know you weren't
13 privy, was sufficient to curtail the problem?

14 MR. MOY: Objection.

15 A. Hard to tell because I wasn't privy
16 to what they were -- how they were handling it, so
17 I wasn't privy to how it was working or not.

18 Q. Was there ever any discussion that
19 you were a part of about why it was that this
20 problem was recurring and not stamped out?

21 MR. MOY: Objection.

22 A. There wasn't a discussion per se
23 about why they kept doing it. There was just a
24 discussion about ensuring that the partners knew
25 the Starbucks standards and ensuring that, you

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2 know, the message was clear that we -- we don't
3 allow, you know, the store managers or the store
4 partners to treat the stores' pest issues.

5 That's why, you know, Starbucks has
6 got a lot of resources; you know, we can utilize
7 the resources. And one of the resources are the
8 pest vendors, another one is the cleaning crew,
9 another one is having cross-functional teams.
10 We've got a facilities manager that will help you.
11 You've got the QA manager that can help. We've
12 even got design people, you know, and handyman
13 people that can help if there's other issues that
14 we need to solve.

15 Q. Do you have any theory or something
16 better than a guess as to why it would be that
17 people would continue to place Hot Shots in
18 stores, what their motivation could be?

19 MR. MOY: Objection.

20 A. So you're asking me to -- you're
21 asking me to discuss what store partners were
22 thinking when they did that. I can't answer that
23 I don't know.

24 Q. In the course of your work in
25 quantity assurance and all of the messages you've

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2 given about this, did you ever wonder what the
3 motivation was for people to not be following your
4 guidance or did you have some sense of why they
5 were motivated to violate it?

6 A. I often wondered and I often try to
7 think about why those do that but again, you know,
8 I'm not a store partner and I wasn't the one doing
9 it and I, you know, couldn't tell you for certain
10 what they were thinking when they did that. I
11 personally, you know, think that it's a lot easier
12 to pick up a phone, right, make a call to the FPC
13 and get the pest vendors in there and let them
14 treat it than it is, you know, to do anything
15 else.

16 Q. Posting a document labeled Exhibit
17 Kranz 1. It a three-page document. It's a
18 depiction of the label on a Hot Shot product.

19 (Whereupon, Kranz Exhibit 1 was
20 marked at this time.)

21 Q. Mr. Kranz, have you had an
22 opportunity to review the document?

23 A. So I'm still reading Page 2.

24 Q. Take your time.

25 A. Okay.

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2 Q. Do you recognize the document?

3 A. Yes, I do. It's a label for No-Pest
4 Strip.

5 Q. Is this something that you've seen or
6 reviewed before?

7 A. Yes, I have seen this.

8 Q. When we've been referring to Hot
9 Shots and DDVP strips in stores, is it your
10 understanding this is the product?

11 A. Yes, it is. Or one of the products,
12 I guess. I mean, I don't know how many of them
13 are out in the market.

14 Q. Could I direct your attention,
15 please, to the third page toward the top. There's
16 just some details there.

17 A. What does it start with, "Garages"?

18 Q. Yes. So you if go down three lines
19 towards the middle, do you see it says "165 gram
20 strip" --

21 A. Yes.

22 Q. -- "will treat 900 to 1,200 cubic
23 feet, which is about equal to an average room 10
24 feet by 13 feet with an 8 foot ceiling."

25 Earlier I know you said layouts, it

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2 varies; but generally the back of house by the
3 refrigerators where you had noted that you saw
4 DDVP strips that were being used not improperly,
5 is that back of house space generally bigger or
6 smaller than 10 feet by 13 feet?

7 A. The --

8 MR. MOY: Objection.

9 A. I apologize, I can't answer that
10 because I don't work in feet. I'm sorry. I work
11 in like meters, kilometers, centimeters. I
12 apologize; and I'm not sure what 10 by 13 is. I
13 mean, I know what's 10 by 13 feet, but I don't
14 know how big that is.

15 Q. Okay. Just give me twenty seconds,
16 I'll ask the Internet.

17 MR. MOY: I'll object to that.

18 Q. So it looks like ten feet is about 3
19 meters and 13 feet is about 4 meters?

20 A. Okay.

21 Q. Mr. Kranz, is the back of house area
22 in the Starbucks store that you saw bigger or
23 smaller than 3 meters by 4 meters.

24 MR. MOY: Objection.

25 A. Which incident are you referring to?

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2 Q. I'm sorry, I can't hear if there was
3 a response.

4 A. Which incident are you referring to?
5 You're asking me to mention if the back of house
6 was bigger than 3 by 4 meters?

7 Q. Yeah. Earlier you had mentioned -- I
8 had asked if you ever saw a Hot Shot used in a
9 permissible way and you had referenced in the back
10 of house there were some refrigerators and that
11 was a permissible space. With reference to that
12 back of house area, can you estimate if it was
13 bigger or smaller than 3 meters by 4 meters?

14 A. I can estimate now.

15 MR. MOY: Objection.

16 A. I can estimate that it was bigger
17 than 3 to 4 meters; but then that's just from my
18 recollection when I found it and just seeing it,
19 but I can't recall the exact store.

20 Q. Slightly below that, there is a
21 subsection headed "Storage and Disposal." Do you
22 see what the instruction is for "disposal if
23 empty"?

24 A. "Place in trash or offer for
25 recycling, if available."

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2 Q. And what does empty mean in the
3 context of one of these devices?

4 A. Well --

5 MR. MOY: Objection.

6 A. So according to the label, empty
7 would mean when there's no more pesticide on the
8 strip.

9 Q. And then do you see it goes on to say
10 what to do if it's partly filled?

11 A. Uh-huh.

12 Q. What does it say to do there?

13 A. "Call your solid waste agency for
14 disposal instructions. Never place unused product
15 down an indoor or outdoor drain."

16 Q. Did you ever seek a disposal as
17 disposal -- excuse me. Did you ever seek disposal
18 instructions from any waste agency in connection
19 with the disposal of Hot Shots?

20 A. There was no need. So if you
21 remember, I said that the Hot Shot was very dusty
22 and very old. It was obviously older than four
23 months; there was no need for it.

24 Q. I believe you also mentioned that you
25 had encouraged operations people to bag it and

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2 throw it out, if they found it. Did I
3 misunderstand or was that also part of your
4 testimony?

5 MR. MOY: Objection.

6 A. I didn't encourage them, but when
7 they asked me a safe way then, yes, that was what
8 I -- you know, what I explained to them.

9 Q. And on the occasions when that's come
10 and you've explained the disposal, have you ever
11 made the distinction to the person who is asking
12 you as between an empty versus a partially full
13 Hot Shot device?

14 A. One of the questions that I did ask
15 was if it was dusty or not or if it looked old or
16 not.

17 Q. Did you ask if it was empty of the
18 pesticide?

19 A. I wasn't sure if they were aware
20 enough for that, so I asked if it looked old and
21 then I can ask probing questions after that
22 depending on what the answers were.

23 Q. On how many occasions, if you can
24 estimate, did you have an inquiry and discussion
25 like that with somebody at Starbucks?

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2 A. I can't give you an exact number, but
3 it wasn't that many.

4 Q. As far as you know -- withdrawn.

5 Do you know what guidance -- I had
6 asked you -- sorry. I had asked you before if you
7 had ever contacted the solid waste agency. I'm
8 asking now more generally: Are you aware of what
9 any guidance from such an agency is with respect
10 to disposing of partially full Hot Shot devices in
11 New York City?

12 MR. MOY: Objection.

13 A. The answer is no, I don't.

14 Q. Okay, we can put this document aside.

15 I've just posted a document labeled
16 Exhibit Kranz 48. It's a four-page e-mail
17 produced by plaintiffs.

18 (Whereupon, Kranz Exhibit 48 was
19 marked at this time.)

20 A. Okay.

21 Q. Do you recognize all or part of this
22 e-mail chain?

23 A. I remember the tour that I had with
24 Jill and I do remember parts of this e-mail chain,
25 yes.

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2 Q. Is the tour that you're referring to
3 with Jill something that happened or similar
4 meetings on a regular basis or was this a one-time
5 special event?

6 A. It wasn't a regular basis. It was
7 just as needed.

8 Q. And what do you remember of this
9 particular visit with Jill?

10 A. That we went to the Port Authority
11 store and that it was actually very eye-opening.
12 We did find the fruit fly breeding site and we
13 found it under the counter, but on the base
14 in -- inside the baseboard tiles.

15 So what was happening was, liquid was
16 leaking from the partner side to the customer side
17 through the baseboard tiles and it created an
18 environment where fruit flies were -- I guess,
19 were breeding. So the store was clean, but there
20 was no way for them to access it. So until we
21 actually popped open a tile and we saw underneath
22 it and behind it, we actually didn't find it.

23 Q. Can you determine from the dates of
24 the e-mail chain what date you and Ms. Shwiner
25 visited the Port Authority store?

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A. I'm going to have a look. Do you me find the 31st -- so it was November 1st because I did an e-mail here that states "Which store do you want to meet tomorrow night" and that was dated Tuesday, 31st of October.

Q. Could I direct your attention, please, down to the third page of the document toward the top, there's an e-mail on October 30, 2017, 8:26 a.m. Jill@avptermite@aol.com?

A. I'm there.

Q. Could you read that, the paragraph of that e-mail to yourself?

A. Okay.

Q. In the second line she writes, "I spoke to Rami last Wednesday before our meeting about the cleanliness issues and excessive use of the 'No-Pest Strips.'"

My question, Mr. Kranz, do you have any memory of meeting with Jill and having a discussion like that prior to your Port Authority visit?

A. Having a meeting with Jill?

Q. Having a discussion with Jill about that subject.

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2 A. No, this was -- she wrote that to
3 Margaret.

4 Q. Right.

5 A. Yes.

6 Q. I'm asking if -- she's referring to a
7 conversation with you. I'm asking if you have a
8 memory of what conversation that might be.

9 A. No, I don't. I don't remember that
10 exact conversation.

11 Q. We can put that document aside.

12 Posting a one-page document marked
13 Kranz Exhibit Kranz 18. It's Bates stamped 45453.

14 (Whereupon, Kranz Exhibit 18 was
15 marked at this time.)

16 A. Okay.

17 Q. Have you ever seen this document
18 before?

19 A. It looks familiar, but I'm not sure
20 if I have. I'm not sure if it's something that
21 maybe, you know, Tracy or someone else sent me.
22 I'm not sure.

23 Q. So I'm going to ask you to just read
24 some of the information and then I'll ask you some
25 questions about it if you know the answer or not,

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2 mindful that you might not have seen the document
3 before.

4 Could I ask you to read the short
5 paragraph that begins "To reiterate."

6 A. "To reiterate, the on background
7 information product used in our stores must meet
8 high safety standards in order to comply with our
9 company guidelines. Upon hearing reports that
10 employees have used a product that violated
11 company guidelines, Starbucks immediately
12 instructed local leadership to remove these
13 products. We can confirm that these products have
14 been removed."

15 Q. My question as it relates to you is
16 whether you were ever furnished with any kind of
17 confirmation that Hot Shots have been removed from
18 Starbucks stores in Manhattan?

19 A. No. So -- but then again, you know,
20 just to expand on that a little bit too, that's
21 operations and the operations team is the one
22 that's responsible for it. So it's not my role
23 and responsibility, so they wouldn't have reported
24 to me for this.

25 Q. Okay. I ask you to read, please, the

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2 next sentence.

3 A. "Additionally I can confirm that we
4 consulted with experts and concluded that based on
5 how the strips were used in stores, employees and
6 customers were not exposed to health risks."

7 MR. GRAFF: And I'll note for record
8 that the phrase "employees and customers were
9 not exposed to health risks" is in bold and
10 underlined.

11 Q. My question, Mr. Kranz, do you have
12 any knowledge or information about what's being
13 described in that sentence?

14 A. No, I don't.

15 Q. As far as you know, were experts
16 consulted that you're aware of to determine
17 whether Hot Shots were used in a dangerous way in
18 Starbucks stores?

19 MR. MOY: Objection.

20 A. First of all, no one said that they
21 were used in a dangerous way in Starbucks stores,
22 okay.

23 Q. I'll ask the question differently.
24 As far as you're aware, did any part of Starbucks
25 ever consult with experts to confirm that the

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2 manner in which Hot Shots were used in Starbucks
3 stores did not expose employees and customers to
4 health risks?

5 MR. MOY: Objection.

6 A. I've not been aware of any experts
7 that conducted any tests.

8 Q. Have you ever heard anybody at any
9 level of management in Starbucks assert that Hot
10 Shots are safe to use in Starbucks stores?

11 A. Can you clarify more.

12 Q. I know you were very involved in
13 passing on the message that Hot Shots should not
14 be used for the reasons we've discussed.

15 A. Clarify the question a little bit
16 better, please, for me.

17 Q. Let me withdraw the question. Did
18 anybody ever tell you -- anybody at any level of
19 management at Starbucks ever disagree with your
20 warnings and the message that you were giving
21 about Hot Shots?

22 A. At what time?

23 Q. Ever.

24 A. Ever. No one disagreed with my
25 wording, my emphasis on it.

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2 Q. Did anybody express that in their
3 view this was not a problem?

4 MR. MOY: Objection.

5 A. No one in the leadership team, no one
6 in the district manager team, no one in the store
7 manager teams that I observed during huddles or in
8 field visits, you know, with the operations team,
9 did I ever hear that anyone said that it isn't a
10 problem.

11 Q. Did you ever hear anyone at all who
12 was employed or who had performed work for
13 Starbucks assert that Hot Shots used in stores
14 wasn't really a problem?

15 MR. MOY: Objection.

16 A. No one says that Hot Shot use in
17 stores -- no one said that we had a problem with
18 Hot Shots used in stores so we did have them
19 there, but no one was -- sorry, please repeat the
20 question one more time.

21 Q. Did any person ever communicate to
22 you that the use of Hot Shots in Starbucks stores
23 would not create a risk to health or safety?

24 A. Could you be more specific in that.

25 Q. I don't think I can. Are you able to

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2 answer the question as I've worded it?

3 A. Did anyone --

4 MR. MOY: Objection.

5 A. Just repeat that one more time,
6 sorry.

7 Q. Did anyone ever communicate to you
8 that, in their view, using Hot Shots in Starbucks
9 stores wasn't a significant problem?

10 MR. MOY: Objection.

11 A. What do you mean by "significant
12 problem"?

13 Q. Wasn't a problem of any degree.

14 MR. MOY: Objection.

15 Q. I'll -- I'll re-ask it all in a row.
16 Did any current or former employee of Starbucks
17 ever communicate to you, in substance, that they
18 believed that the use of Hot Shots in any
19 Starbucks store was not a matter of concern?

20 MR. MOY: Objection.

21 A. We -- can you clarify what you mean
22 by "not a matter of concern"? I just need more
23 specifics to answer it.

24 Q. That what you were identifying as a
25 problem, that is the use of Hot Shots in stores,

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2 was not in fact a concern that people needed to
3 worry about. Did anybody ever say, in substance,
4 words to that effect?

5 MR. MOY: Same objection.

6 A. Okay. So again just to give you the
7 answer, in my communications with the leadership
8 team no one ever pushed back and said that it's
9 not a problem. If you're asking are there -- are
10 there legal uses for a Hot Shot in a store, the
11 answer is yes, there are, but that's what I'm
12 trying to clarify when you say areas of concern.

13 Q. Okay, that's helpful. What I was
14 trying to narrow my question to if any people
15 other than the leadership team -- you've explained
16 that that they were very in agreement with your
17 message. Was there anybody else at Starbucks who
18 expressed disagreement with your message about Hot
19 Shots being a problem and should not be used in
20 stores?

21 MR. MOY: Objection.

22 A. No. No one disagreed that it should
23 not be used in stores.

24 Q. Okay.

25 Just posted a document Kranz Exhibit

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2 8. It's three pages Bates numbered DEF 154
3 through 156?

4 (Whereupon, Kranz Exhibit 8 was
5 marked at this time.)

6 Q. Mr. Kranz, do you recognize this
7 e-mail chain?

8 A. Yes, I do.

9 Q. Is it again the case that on the
10 first page, the e-mail at the top is a forward
11 from you to the company's counsel?

12 A. That is correct.

13 Q. Could I direct your attention to the
14 e-mail toward the bottom half of Page 2 from Keith
15 Costello on July 12th, 2018.

16 A. I'm at it.

17 Q. Do you see that you're one of the
18 noted cc recipients of the e-mail?

19 A. Yes, I do.

20 Q. Did you read the e-mail at or around
21 the time it was sent?

22 A. Yes, I did.

23 Q. The subject line is "Stores
24 Purchasing Pest Control Items FYI Importance
25 High." Prior to reading this e-mail, had you ever

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2 been told by anybody that any stores were
3 purchasing their own pest control items?

4 A. So are you -- well, this is 2018. So
5 the first e-mail that I got from Jill was 2016, so
6 we knew that stores had them in there. How they
7 got them in there and who purchased them, I don't
8 know.

9 Q. Okay. So would this be the first
10 time that it was communicated to you, in words or
11 in writing, that stores were purchasing such
12 items?

13 MR. MOY: Objection.

14 A. From what I can remember, yes, that
15 will be the first time.

16 Q. What position did Keith Costello hold
17 on the date of this e-mail?

18 A. Keith was senior facility manager.

19 Q. Did you discuss this e-mail with
20 anyone after you received it?

21 A. I'm sure I did.

22 Q. And I'll narrow it down a little bit.
23 In the months of July or August, 2018, the e-mail
24 is dated July 12th, who do you believe you would
25 have spoken with about this e-mail at that time?

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2 A. I would have spoken to Keith at that
3 time. I don't recall the conversation, but I
4 would have -- I would have spoken to him.

5 Q. Do you believe that you did have a
6 conversation with Keith, whether or not you
7 remember the details?

8 A. I believe that -- yes, reading this I
9 believe that I would have contacted Keith.

10 Q. For what purpose would you have
11 contacted him?

12 A. To get a little more information and
13 even to clarify the information.

14 Q. And as you sit here today to the best
15 of your memory, do you know any further
16 information or clarifications on the information?

17 A. No, I don't remember even the
18 conversation that I had with him. Again, it was a
19 while ago.

20 Q. Further down in his
21 e-mail -- withdrawn.

22 Going up to the bottom of Page 1, the
23 e-mail from you September 13, 2018, 2:16 p.m., to
24 Keith Costello and a number of cc's. Could I ask
25 you to read the text of your e-mail.

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2 A. Yes, it says "Hi, Keith: FYI since
3 your last e-mail, I've been recommending stores
4 concentrate on cleaning and to leave the pest
5 control vendors to do their job."

6 Q. What is your last e-mail that you
7 referred to in that sentence?

8 A. "Since your last e-mail" seems to
9 detail Keith's e-mail that we just went through.

10 Q. So the date on Keith's e-mail?

11 A. The 12th.

12 Q. July 12th, 2018?

13 A. Yes. Yup.

14 Q. Was there any reason in particular
15 that you sent this e-mail on September 13th, 2018?

16 A. Not that I can remember, but I'm sure
17 something that happened that I felt necessary to
18 reach out to Keith.

19 Q. When you wrote that since his last
20 e-mail you've been recommending stores concentrate
21 on cleaning leaving the pest control vendors to do
22 their job, is that something that you began
23 recommending subsequent to his last e-mail?

24 A. No, that was something that I was
25 concentrating on. That was something that I was

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2 emphasizing with all the operation leadership
3 saying follow the Starbucks protocol of we're in
4 charge of the cleanliness and the food safety of
5 the store. The pest vendor is in charge of
6 controlling the pests and applying the pesticides.

7 Q. Is that the same message you had been
8 communicating since 2016?

9 A. That is correct.

10 Q. Do you know whether anyone, other
11 than you, on the leadership team had any
12 communication with Keith Costello about the
13 substance of his e-mail?

14 A. I honestly couldn't tell you. I do
15 not have any information about anyone else
16 reaching out to him.

17 Q. Who is Joseph DeMetro?

18 A. Off the top of my head, I don't
19 recall Joseph De Metro so I'm not a hundred
20 percent sure.

21 Q. Did you ever complain about the AVP
22 or any of its personnel to anyone?

23 A. No, I didn't. I had a good
24 relationship with Jill.

25 Q. And I know she can't talk on the

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2 A. Yes.

3 MR. MOY: I'm, sorry, Ari, I just
4 wanted to note on the record Exhibit 53
5 contains underlining that I believe counsel
6 might added.

7 MR. GRAFF: I'll note that.

8 MR. MOY: Okay.

9 Q. Mr. Kranz, you'll note that on Page
10 52 because there's a lot of legal verbiage in
11 there, I've placed red highlighting under a couple
12 of sentences just for the purposes of being able
13 to refer you to the section I have in mind to ask
14 you about. The other red underlining that appears
15 in this document is, likewise, placed by me to
16 facilitate the communication.

17 Do you see in the second underlined
18 bit on Page 3 it says "Defendant will produce Rami
19 Kranz, Manager Quality Assurance, to testify
20 generally as to Defendant's awareness, or lack
21 thereof of, of the use of pesticides including
22 DDVP or Hot Shots based on his communications with
23 representatives of AVP at Defendant's Manhattan
24 locations, as well as the initiatives and actions
25 undertaken to remediate the same."

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2 Mr. Kranz, is it your understanding
3 that you've been designated by the defendant to
4 testify about that subject?

5 A. Yes.

6 Q. Did you do any preparation work in
7 particular to obtain more information about this
8 specific subject?

9 MR. MOY: Objection.

10 A. No, I didn't.

11 Q. The line here refers to your
12 "communications with representatives of AVP"?

13 A. Uh-huh.

14 Q. We touched on Jill Shwiner and Paul
15 D'Auria. Have you had any communications with
16 anyone else at AVP, as far as you know?

17 A. Not that I know of. Jill was my main
18 contact at AVP.

19 Q. And the sentence where it ends it
20 says, "as well as the initiatives and actions
21 undertaken to remediate the same." What
22 initiatives were undertaken to remediate the use
23 of DDVP or Hot Shots in Starbucks stores?

24 A. So my initiatives and actions
25 undertaken -- because I can discuss what I did, I

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2 can't discuss what the operations team did; but I
3 brought it to the operations team's attention via
4 e-mails and in-person meetings at the New York
5 Metro leadership team meetings. I made them aware
6 via the huddles that I joined and mentioned in the
7 huddles, and then had the regional director or the
8 leader of that team reiterate the message and to
9 make -- to emphasize that message; and I also
10 added it to our shift supervisor workshop so that
11 we could get a broader range and get it, you know,
12 to more people as well and more partners within
13 the New York Metro area.

14 Q. When it refers here to the actions
15 undertaken to remediate DDVP or Hot Shot use in
16 Starbucks stores, is that any different than the
17 initiatives that you were just describing?

18 A. No, it's one and the same.

19 Q. You have no information about what
20 operations did with the information that you
21 provided to them, beyond hearing it from you?

22 A. I only have knowledge of what
23 operations did when I observed it during the
24 huddles and when I observed it in the field.
25 Outside of that I have no -- you know, I had no

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2 visibility to what they were doing.

3 But I can tell you that my
4 observations during the huddles, during the
5 meetings at the leadership team, everyone took it
6 very seriously and, you know, everyone was
7 following up on it.

8 Q. Do you know if anybody was ever
9 punished or disciplined in the context of their
10 employment at Starbucks in connection with the
11 misuse of Hot Shots?

12 A. Again, my role and responsibility
13 doesn't include, you know, any like knowledge of
14 punishments. So that's all part of operation,
15 that's part of the partner resource's manager, so
16 I'm not privy to that.

17 Q. Okay. So in terms of this subject,
18 what you know and are able to testify about is
19 what you experienced firsthand and know from your
20 direct involvement; is that fair to say?

21 A. That is correct.

22 MR. MOY: Objection.

23 Q. And you don't know about things that
24 you were not directly personally involved with if
25 they were done by operations based on your advice,

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2 correct?

3 A. Correct.

4 Q. Let's scroll down, please, to Page 5.

5 I'm sorry, I'll -- actually, yeah, Page 5. I have
6 underlined there a sentence that's "Subject 5 as
7 Requested by Plaintiffs," it reads "Any and all
8 complaints, reports, and/or allegations raised to
9 any managerial employees of Defendant by anyone
10 (other than Plaintiffs) concerning the use of DDVP
11 in Defendant Manhattan area stores at any time
12 from 2015 to the present."

13 And, Mr. Kranz, if you could go down
14 to that next page, I underlined a sentence of the
15 response that states "Defendant is not aware of
16 any individuals, other than Plaintiffs Paul
17 D'Auria and Jill Shwiner, who mention the use of
18 the DDVP in Defendant's Manhattan locations and
19 will produce Rami Kranz, Manager Quality
20 Assurance, to testify generally as to the lack of
21 complaints regarding the use of pesticides,
22 including DDVP, at Defendant's Manhattan
23 locations."

24 Mr. Kranz, is it your understanding
25 before the start of this deposition that defendant

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2 designated you to testify on that subject?

3 A. Yes.

4 Q. What, if anything, did you do to
5 prepare to testify on this specific subject?

6 A. I didn't have to prepare. I lived
7 it, so I -- I've been here through the whole
8 period from 2013 till present. If there were any
9 complaints or any other complaints, I would have
10 known about it.

11 Q. Is it your testimony that you were
12 never informed of any complaints, other than
13 through Paul D'Auria and Jill Shwiner?

14 A. Complaints about what?

15 Q. DDVP in Defendant's Manhattan stores.

16 A. As far as I recollect, I didn't
17 receive any other complaints except from AVP, Paul
18 and Jill.

19 Q. Do you have any information about
20 whether there may have been other people who
21 received complaints that weren't addressed to you
22 directly?

23 A. Could you be more specific about
24 other people, please.

25 Q. I understand that the only people who

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2 complained to you directly are Paul D'Auria and
3 Jill Shwiner. Do you have any information at all
4 about whether anyone else complained to someone
5 other than you?

6 A. So just to be -- just to be specific,
7 Paul never complained to me. Paul complained to
8 Jill who relayed that to me. I do know that Jill
9 also sent an e-mail to Keith -- not Keith, sorry.
10 Stephen. Stephen was there at the time, Stephen
11 Gallant.

12 Q. Did anybody in the leadership team or
13 management ever inform you that they had received
14 a complaint from anyone concerning Hot Shots in
15 Starbucks stores?

16 A. I don't remember them mentioning a
17 complaint.

18 Q. Did you ask any people whether they
19 had received complaints of that nature, in
20 preparation for this deposition?

21 A. No, I have not.

22 Q. Did you ever ask other members of the
23 leadership team directly if anybody ever
24 complained to them about Hot Shots or DDVP in
25 Starbucks stores?

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2 A. During the leadership meetings I
3 didn't specifically ask them if anyone had
4 complained, but during our discussions it would
5 have come up; but it never did come up.

6 Q. And you have no written notes or
7 documentation or records reflecting the dates or
8 particulars of those weekly meetings; is that
9 correct?

10 A. That's correct.

11 Q. Was there another person who would
12 regularly take notes at those meetings, that
13 you're aware of?

14 A. No, there was not.

15 Q. Were the meetings recorded by audio
16 and/or video?

17 A. No, they were not.

18 Q. Were they transcribed?

19 A. No, they were not.

20 Q. Do you know whether a district
21 manager named Tim Hutchinson ever received any
22 complaint from employees about the use of Hot
23 Shots or DDVP in stores?

24 A. I -- to the best of my recollection,
25 I do not recall if he received any complaints.

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2 Q. Do you know whether a district
3 manager named Les Fable ever received any
4 complaints from anyone concerning Hot Shots or
5 DDVP used in stores?

6 A. Again to the best of my recollection,
7 I can't recall if they did or didn't. I don't
8 remember if they did.

9 Q. One more name. Tina McDonald, is
10 that a person you're familiar with at Starbucks?

11 A. Tina McDonald, I believe she's the
12 PRM.

13 Q. Do you have any information as to
14 whether Tina McDonald ever received a complaint
15 from anyone concerning Hot Shots or DDVP use in
16 Starbucks stores?

17 A. No. I know for sure that I don't
18 know of any complaints that she's received. She's
19 not mentioned it to me, that I -- I can recollect.

20 MR. GRAFF: I apologize for
21 successive breaks. Off the record.

22 (Whereupon, a brief discussion was
23 held off record.)

24 Q. Mr. Kranz, during any of the breaks
25 we've taken in the course of your testimony today,

1 - RAMI KRANZ -

2 have you communicated with anyone other than
3 counsel?

4 A. I've communicated with my kids and
5 I've made one phone call, yes.

6 Q. Have you made any communications with
7 anyone, other than what you've already told us
8 about?

9 A. No, I haven't.

10 Q. Have you read anything during any of
11 the breaks?

12 A. No, I haven't.

13 Q. During the break, I posted a document
14 that I've labeled as Kranz 9. It is a copy of the
15 appendix filed by plaintiffs. It's in a format of
16 two pages of the appendix printed on each
17 horizontal page of the document. Will you let me
18 know when you have it open.

19 A. I have it open.

20 Q. Can you --

21 MR. MOY: Can you republish that
22 again, Ari, because I don't think I got it in
23 my Chat.

24 (Whereupon, Kranz Exhibit 9 was
25 marked at this time.)

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2 Q. Mr. Kranz, if I could ask you to go
3 page by page, image by image, and starting at the
4 first page and let me know if you recognize or
5 have any information about what you see on the
6 page. I'll note that on the right half of the
7 first page, I think we talked about this before.

8 A. Right. So I don't -- I don't like
9 remember the one, the first photo on the first
10 page.

11 I'll go to the second page. So the
12 second page, second photo, it doesn't jog my
13 memory; but what it does jog is one of the
14 documents that you showed Jill mentioned a hot
15 Shot in a fly light, so I'm wondering if this is
16 what she was referring to.

17 Q. It may well have been, but please
18 continue -- continue to review it.

19 A. So the other photo, the first photo
20 on the second page, I don't remember.

21 Q. In that photo, do you recognize the
22 yellow block as the insides of what's in a Hot
23 Shot package?

24 MR. MOY: Objection.

25 A. It certainly looks like it. I

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2 mean, -- it could be a sponge, but it's -- we
3 don't use that kind of sponge in Starbucks.

4 Q. Okay?

5 A. We use a blue one. So it does look
6 like it.

7 Okay, so I'm on the third page. Now,
8 the first photo my question is -- I don't recall
9 it, but my question: Is that where they found it
10 or is that where they put it out to take a photo?

11 Q. To my understanding -- and I'm not
12 able to testify, but I can represent that the best
13 of my understanding is these were photographed
14 exactly as found.

15 A. Okay. Then I don't remember the
16 other one, the second photo on the third page.
17 The fourth -- I don't remember the fourth page,
18 either one of those photos. The fifth page, I
19 also don't remember or it doesn't -- I don't
20 recognize it.

21 Q. On the fifth page, if I could pause
22 you just for minute, the photograph on the
23 right-hand side, do you recognize that Hot Shot
24 device?

25 A. Yes, it definitely looks like a Hot

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Shot.

Q. Based on your familiarity with Hot Shots, is this device empty or not empty?

MR. MOY: Objection.

A. From the photo that I'm seeing right now, I'd say this device does not look empty; but, I mean, I'm not a hundred percent sure, but it does not look it.

Q. Thank you.

If you could please continue on to the next page reviewing and let me know if you recognize or think you have any information about any of the pictures as you go through.

A. No, I don't remember Page 6. Page 7 -- no, I don't remember -- I don't recognize Page 7's photos. Now one question too: On Page 7 and Page 8 it says "Penn Station," which store was it in Penn Station, because there's two? There's Penn 1 and Penn 2.

Q. I'm not sure of the information beyond what you see in the document, but I appreciate your pointing out that there's a distinction.

A. Page 8 again, also I don't